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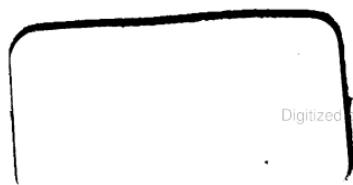
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A C T S

OF THE

STATE OF TENNESSEE,

PASSED BY THE

FORTY-FOURTH GENERAL ASSEMBLY,

1885.

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PUBLISHED BY AUTHORITY.

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PUBLIC ACTS  
OF THE  
**General Assembly of the State of Tennessee,**  
PASSED BY THE  
**FORTY-FOURTH GENERAL ASSEMBLY.**

*Which was begun and held at Nashville, on the First Monday in January  
in the year of our LORD One Thousand Eight  
Hundred and Eighty-five.*

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CHAPTER 1.

**AN ACT** to provide more Just and Equitable Laws for the Assessment and Collection of Revenue for State, County and Municipal Purposes; and to Repeal all Laws now in force whereby Revenue is Collected from the Assessment of Real Estate, Personal Property, Privileges and Polls.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all property, real, personal and mixed, shall be assessed for taxation for State, county and municipal purposes, except such as is declared exempt in the next section.

**SEC. 2.** *Be it further enacted,* That the property herein enumerated shall be exempt from taxation, and none other :

1. All property belonging to the United States, to the State of Tennessee, to any county in the State, or any incorporated city or town in the State, that is used exclusively for public or corporation purposes.

2. All property belonging to any religious, charitable, scientific, literary or educational institution, and actually used for the purpose for which such institution was created.

3. All property belonging to public schools, colleges, academies and other seminaries of learning, and all real estate worth not more than ten thousand dollars, owned by agricultural and mechanical associations, and used by them for such purposes.

4. All cemeteries, places of burial used as such, and monuments of the dead.

5. All roads, streets, alleys and promenades, where condemned, dedicated or thrown open for public travel or use free of charge.

6. All growing crops of whatever nature or kind, the direct product of the soil in the hands of the producer

or his immediate vendee, and manufactured articles from the products of this State in the hands of the manufacturer.

7. Personal property to the value of one thousand dollars.

*Assessments annually.*

SEC. 3. *Be it further enacted,* That in order to provide revenue for State and county purposes, property, privileges and polls shall be assessed annually as hereinafter provided.

*Basis of assessments.*

SEC. 4. *Be it further enacted,* That the basis of all assessments shall be as follows, to-wit:

1. To assess the property to the person or persons owning or claiming to own the same on the 10th day of January of the year for which the assessment is made, if known; if not, to the unknown owners.

2. To assess real estate at its cash value.

3. To assess personal and mixed property at its cash value.

*Kinds of property.*

4. To assess the property including property held by executors, administrators, trustees and guardians in the district or ward in which it lies, or is known to be at the time of assessment; but all stock in banks, banking associations or other corporations, or joint stock companies, shall be assessed in the place, town, ward or district in which such banks, banking associations or other corporations are located. Street railroad stock and bonds, and property of a street car company used within any town, city or taxing district, where the office of the company is located outside of an incorporated city or town, or a taxing district, but the main line of the road is within the city, shall be taxed in the city, town or taxing district as if the office were situated within the city limits.

*Description of realty.*

SEC. 5. *Be it further enacted,* That in assessing real estate, the following shall be shown:

1. The description of the property.

2. The name of the owner or owners.

3. The value of the land or town lots, including improvements.

4. The value of mills, manufactories, distilleries, breweries, foundries, and other buildings used for similar purposes.

*Manner of assessing realty.*

SEC. 6. *Be it further enacted,* That the said assessors shall assess real estate in the manner following:

They shall prepare a complete list of all taxable real estate in their respective districts or wards, from the schedules hereinafter required, giving the name of each

owner in alphabetical order, and setting out the number of acres of each tract, and the assessed value thereof, giving (if the same can be done) the Surveyor's district, range, township and section, civil district ; and if this cannot be done, then such mode of description shall be adopted as will identify the property and its location, by giving the lands by which the tract is bounded ; and if the real estate be in a town, the present number of the lot and block, and the number of front feet, and the depth thereof, and the assessed value thereof.

**SEC. 7.** *Be it further enacted,* That personal property Personalty. shall be assessed under the following heads :

1. The actual stock in each bank or banking, insurance or other stock company or corporation invested in business.

2. Stocks of merchandise, wares, goods and chattels kept on hand or in store, for sale, trade or traffic.

3. Merchandise, wares, goods and chattels, sold at auction or on commission.

4. Notes, due bills, negotiable paper and accounts on solvent persons, or parties believed to be solvent, and all other assets, including cash on hand or on deposit, or invested in any manner in this State or elsewhere.

5. All bonds, stocks and other like securities, other than such as are exempt from taxation by the laws of the United States or of this State.

6. Stallions, mares, geldings, jacks, jennets, mules, cattle, sheep and hogs to be assessed at actual cash value.

7. Watches, plate, jewelry, pianos and household and kitchen furniture.

8. Carriages, buggies, and all other wheeled vehicles of pleasure or profit.

9. Machinery, engines, presses, looms, steamboats, ferry-boats and tools and implements of all pursuits and industry for gain or profit.

10. All other personal property, whether belonging to any individuals, corporations or firms, except expressly exempt.

11. The amount of income derived from United States bonds, and all other stocks and bonds not taxed *ad valorem.*

**SEC. 8.** *Be it further enacted,* That no tax shall hereafter be assessed upon the capital of any bank, or banking association, or any other joint stock company or corporation organized under the authority of this State, or the United States ; but the stockholders and bondholders in such bank, or banking association, or other corpora-

Bank stock  
and bonds.

tion, shall be assessed and taxed on the value of their shares of stock and bonds therein ; said shares of stock and bonds shall be included in the valuation of personal property of such stockholder or bondholder in the assessment of State, county or municipal taxes, at the place, town, ward, or district where such bank, or banking association, or other corporation is located, (except otherwise provided by law), whether said stockholder or bondholder resides in said place, town, ward, or district, or not; and all banks or banking associations, or other corporations shall, in addition, be liable for taxes on any property, funds or assets owned by them not included in the foregoing provisions of this section ; *Provided*, That the property and shares of stock in companies organized under the laws of the State of Tennessee, and engaged in manufacturing articles of the produce of this State shall be assessed as one property, in the same manner as the property of firms and individuals is assessed.

*SEC. 9. Be it further enacted,* That the president, or business manager, of any bank, banking association, or other corporation, doing business under the laws of this State, is hereby required to declare upon oath, before the assessor, the amount of capital invested in such business, and the amount of bonded indebtedness, if any, outstanding against the same, and each one hundred dollars of such capital and bonded indebtedness, for the purpose of this Act, and for the purpose of taxation, shall be held and regarded as one individual share in such bank, banking association, or other corporation, and such shares are hereby declared to be personal property. If such president or business manager have partners, he shall declare upon oath, before the assessor, the number of shares held or owned by each of them in such business, ascertained as above provided, and the shares so held by any partner shall be included in the valuation of his taxable property in the assessment of all taxes levied in the city, town, ward, or civil district where such business is located, except herein otherwise provided ; and said president, or business manager, shall pay the same, and make the

President or  
manager to  
pay taxes of all  
shareholders. amount so paid a charge in his account with said partners ; and if said president, or business manager, have no partners, he shall be held to be the sole owner of all the shares in said business, and the same shall be included in the valuation of his personal property in the assessment of all taxes levied in the city, town, ward or district

Shares are  
personal prop-  
erty.

where said business is located, except herein otherwise provided.

**SEC. 10. Be it further enacted,** That there shall be kept at all times in the office where the business of such bank, banking association, or other corporation, organized under the authority of this State, or of the United States, shall be transacted, a full and correct list of the names and residences of all the stockholders and bondholders therein, and the number of shares and amount of bonds held by each, and such list shall be subject to the inspection of the officers authorized to assess taxes, during the business hours of each day on which business may be legally transacted.

**SEC. 11. Be it further enacted,** That when the owner of stock or bonds in any bank, or banking association, or other corporation organized under the laws of this State, or of the United States, shall not reside in the same county where the bank or corporation is located, or is a non-resident of the State, the revenue collector for the State, county or municipality, shall respectively have the power to collect the tax assessed by this Act, by instituting attachment proceedings, and said tax shall be and remain a lien on the stocks or bonds until the payment of the same.

**SEC. 12. Be it further enacted,** That for the purpose of collecting such taxes, and in addition to any other laws of this State relative to the imposition and collection of taxes, it shall be the duty of the president or managing officer of every such bank, or other corporation, doing business in this State, to retain so much of any dividend or interest belonging to such stockholder or bondholder as may be necessary to pay any and all taxes assessed in pursuance of this Act, until it shall be made to appear to such officers that said taxes have been paid.

**SEC. 13. Be it further enacted,** That the privileges and franchises granted by the Legislature of this State to savings banks, or institutions for savings, are hereby declared to be personal property and liable to taxation as such in the town, ward or district where they are located, to an amount not exceeding the gross sum of their surplus earned and in the possession of said banks or institutions, and the officers of such institutions or banks shall be examined on oath by assessors as to the amount of such surplus, and the property of such banks and institutions shall be liable to seizure and sale for the payment of all taxes assessed upon them for said privileges and franchises.

List of share-holders subject to inspection.

Shares of non-resident holders liable.

Dividends retained to pay taxes.

Privileges and franchises liable to taxation.

Charter exemption no  
release from taxation.

**SEC. 14. Be it further enacted,** That this Act shall not be so construed, and shall not so operate, as to exonerate or release from taxation any company or corporation whose charter exempts stock and shares thereof from taxation; but it is hereby enacted that in all cases where such stock is exempted such company or corporation shall be assessed in such way as may be lawful.

**SEC. 15. Be it further enacted,** That stocks of merchandise, wares, goods and chattels, sold at auction or on commission, shall be assessed for taxation, and the following is declared to be the method by which the amount to be returned or assessed shall be determined, viz.: Where any person, company or firm shall have sold goods, wares, merchandise or chattels at auction or on commission, whether in the regular business of selling at auction or on commission, or shall have made such sales in connection with any other business, to ascertain the aggregate amount of said auction or commission sales for the period engaged in business, and not exceeding twelve months, shall be ascertained, one-third of said amount of sales returned for taxation.

**SEC. 16. Be it further enacted,** That merchants shall pay an *ad valorem* tax upon the capital invested in their business equal to that levied on taxable property, and the term merchants, as used in this Act, includes all persons or copartnerships engaged in trading or dealing in any kinds of goods, wares and merchandise, either on land or in any steamboat, wharfboat or other craft, stationed or plying in the waters of this State, and confectioners; and whether such goods, wares and merchandise be kept on hand for sale, or the same be purchased and delivered for profit as ordered. But nothing in this Act contained shall in anywise affect the collection of privilege taxes upon the vocations declared by this Act to be privileges.

Ad valorem  
tax on mer-  
chants.

**SEC. 17. Be it further enacted,** That no merchant shall commence and continue a business in any county of this State without obtaining license from the Clerk of such county, in accordance with the provisions of this Act, and every person or individual member of any copartnership so offending shall be subject to prosecution for each day's violation of the law, and on conviction shall be fined not less than one hundred dollars for each offense.

Merchant's  
license.

**SEC. 18. Be it further enacted,** That every merchant applying for license shall, before receiving the same, execute a bond to the State, with good security, to be approved by the Clerk of the County Court, in the sum

of one thousand dollars, conditioned that such merchant will render to the Clerk issuing the license at the end of twelve months from the date of the bond, or if the merchant ceases to do business before the expiration of twelve months, then as soon as he ceases to do business, a true statement under the oath prescribed by this Act, of the amount of capital invested in such business during said twelve months, or the period in which he was engaged in such business, if he ceases to do business before the end of the twelve months, and will pay to the Clerk the tax thereon. For taking the bonds and issuing the license the Clerk shall be entitled to seventy-five cents, to be paid at the time of issuance.

Clerk's fee.

**SEC. 19.** *Be it further enacted,* That any merchant continuing in business shall renew his license annually, and no license shall authorize merchandising out of the county where issued, nor for a longer period than one year.

**SEC. 20.** *Be it further enacted,* That at the expiration of twelve months from the date of his bond, or sooner, as provided in the 18th section hereof, each merchant shall file with the County Court Clerk, by whom the license was issued, a statement under oath, showing:

1. All capital invested in his stock of goods, wares and merchandise not otherwise reported as hereinafter required, to be estimated at not less than the cash value of the average amount of such goods, wares and merchandise on hand during the preceding twelve months, or less period, the average amount to be ascertained by striking a balance between the largest and smallest amount on hand at any one time during the twelve months, or less period if he ceases to do business before the end of the twelve months.

2. All capital employed during the preceding twelve months in any manner of trading in which there is no stock of goods, wares and merchandise kept on hand for sale, and the aggregate capital so reported shall be deemed the taxable capital of such merchant, upon which he shall pay to the Clerk the same tax as levied upon real estate and other taxable property for State and county purposes; and the report herein required shall be sworn to by that member of any copartnership or mercantile firm who is most thoroughly acquainted with such business. The word "capital," as used in this and the foregoing sections, shall be construed so as to mean the average amount of stock on hand during the year in which it is offered for sale, the amount to be ascertained as provided

License re-newed ann'y.

Merchants' sworn state-ment.

Capital in mer-chandise.

Capital used in trading.

Capital defined

~~Objectionable reports.~~ in the first sub-section hereof: *Provided*, that if the report herein required to be made under oath to the Clerk of the County Court be objected to by the said Clerk or by the Attorney-General of the Judicial Circuit, it shall be the duty of the said Clerk, under the direction of the said Attorney-General to issue citation to the person or firm making such report, commanding such person or firm to appear before said Clerk within five days from the date of the issuance of citation to show cause why such report shall not be revised and corrected, and the said Clerk shall be empowered to issue subpœnas for witnesses to appear before him and testify under oath to be administered by said Clerk or his lawful deputy, touching the correctness or incorrectness of such report: *And, provided further*, That it shall be the duty of said Clerk, after a full investigation, to correct and audit said report.

~~Clerk to correct report.~~ SEC. 21. *Be it further enacted*, That the County Court Clerks of this State be and they are hereby required to turn over to the Attorney-General of the respective districts, all privilege license bonds due and unpaid, before the first day of January thereafter, within thirty days after such bonds become due and payable, taking duplicate receipts for the same, specifying the amount due thereon as nearly as can be ascertained, one of which receipts shall be forwarded to the Comptroller of the State, and the other spread on record in the County Court, whereupon the Attorneys-General aforesaid shall forthwith give five days' notice to the principal and security on such bond to appear before the Chairman or Judge of the County Court, in which said bond is due, and show cause, if any they have, why judgment should not be rendered against them for the amount of revenue due on such bond, which judgment shall in no case be less than the amount of the specific or privilege tax fixed by law and by the County Court, with six per cent. interest and twelve per cent. damages, and the costs added thereto from the time the bond was payable and due, and jurisdiction is hereby conferred on the County Courts of this State to try and determine such cases, to render judgment, issue executions, and do all things necessary to enforce the collection of this revenue, and necessary to the enforcement of this Act, and the notice so given may be made returnable to any Monday of said County Court, to the Judge or Chairman thereof; *Provided*, five days' notice is given, when the said Chairman shall try the matter, and upon the failure of the principal or secu-

~~Clerk's report to Attorneys General.~~  
Interest and damages on delinquent bonds.

~~Judgment on merchants' bonds.~~

riy to appear, the Attorney-General shall move for judgment, and the Chairman or Judge shall render and have entered a judgment for the amount of said bond as aforesaid, with costs. The Attorney-General shall be allowed a fee of five dollars, and the Clerk the usual fees for such service as in the Circuit Courts of this State; the State and county in no event to be taxed with any costs in these proceedings, but the same to be taxed against delinquents.

Fees of officers:

**SEC. 22.** *Be it further enacted,* That the Clerks of the County Courts of the several counties of this State shall collect all taxes on merchants and privileges as now provided by law, and be subject to all the pains and penalties for failure to pay such taxes over to the Comptrol-ler that are provided for in this Act in the case of Tax Collectors; *Provided*, That in counties where a privilege Tax Collector is provided by law, such privilege Tax Collector shall collect the same.

**SEC. 23.** *Be it further enacted,* That the value of all notes, due bills, negotiable paper, accounts and judgments on solvent parties, or parties believed to be solvent, and all other assets, including cash on hand or on deposit in solvent banks, or in the hands of solvent parties, be-longing to any person, company or firm, shall be assessed for taxation, from which, however, shall be deducted all *bona fide* debts incurred in conducting the regular busi-ness of such person, firm, etc., and pertaining to the same business out of which arose the notes, due bills, etc., from which such debts are to be deducted.

Notes, bills  
and accounts.  
assessed.

**SEC. 24.** *Be it further enacted,* That all the property described in articles 5, 6, 7, 8, 9, 10 and 11 of section seven of this Act, shall be assessed for taxation accord-ing to its value: *Provided*, That in assessing steamboats and ferry-boats navigating streams within or bordering on this State, the same shall only be assessed to the ex-tent of the interests therein of any person, company or firm residing or doing business in this State.

Steamboats  
and ferry-  
boats.

**SEC. 25.** *Be it further enacted,* That should it at any time after the assessments have been made, come to the knowledge of the Chairman or Judge of the County Court, the Clerk of the County Court, the County Trust-tee, Sheriff or Tax Collector of any county in this State, that any person, company, firm or corporation in said county have not been assessed as contemplated by the provisions of this Act, or have been assessed on an inad-equate amount, it shall be the duty of said Chairman or Judge, Clerk, Trustee, Sheriff or Tax Collector to cite

Inadequate as-  
sessments.

**said person, company, firm or corporation, their agent, attorney or representative, to appear before them for the purpose of being assessed according to law; and said Chairman or Judge, Clerk and Trustee or Tax Collector are hereby authorized and empowered to make the proper assessment against such person, firm or corporation; and should it appear that said person, company, firm or corporation did, in any manner, connive at or purposely evade said assessment, or did knowingly permit an inadequate assessment to be made, said Chairman or Judge, Clerk and Trustee or Tax Collector shall correct said assessment, and shall add fifty per cent. to the amount of said assessment, and cause the same to be entered upon the tax books for collection.**

**Penalty for evasion.**

**Assessments on all real estate, and all damages and costs accruing thereon, shall be and remain a lien upon such real estate from the 10th day of January of each and every year.**

**Assessors elected annually.**

**SEC. 27. Be it further enacted, That the County Court of each county in the State shall, at its January term every year, elect an Assessor for each civil district, except in cities of over two thousand inhabitants, and in such cities there shall be an Assessor for each ward. If this court should fail to elect such Assessor at its January term, the Chairman or Judge shall call a special term for the first Monday in February following, to elect such Assessor: Provided, That the provisions of this Act in regard to assessment, shall not interfere with assessments made prior to the passage of this Act.**

**SEC. 28. Be it further enacted, That each Assessor so appointed shall be a resident of the civil district or ward for which he is appointed.**

**Vacancies among assessors.**

**[SEC. 29. Be it further enacted, That the Chairman or Judge of the County Court may, in vacation, appoint an Assessor for any district or ward in which the County Court has omitted to appoint, or where the appointee, by reason of sickness or other sufficient excuse, is unable or refuses to perform his duty.**

**Duties of assessors.**

**SEC. 30. Be it further enacted, That each Assessor, on being notified of his appointment, shall proceed to assess the property in his district or ward liable to taxation, according to the requirements of this Act, and to this end shall commence at some corner or outside point of his district or ward, and assess the property in rotation as it joins, or lies contiguous to property just assessed, or about to be assessed, and shall proceed in some regular manner until he shall have made the circuit of his dis-**

trict or ward. Said Assessor shall see each lot, tract or parcel of land in person, and shall enter each assessment in suitable books to be furnished by the Clerk of the County Court.

SEC. 31. *Be it further enacted,* That the Assessors shall furnish to every person, company, firm or corporation required to list property for taxation, proper blanks for that purpose, and it is hereby made the duty of the Comptroller of the Treasury to furnish the Clerks of the County Courts printed blanks, to be distributed by the Clerks to the several Assessors for districts and wards; that the blanks furnished by the Comptroller shall contain, among others necessary to ascertain all taxable property, the following questions:

1. How many acres of land do you own? In what civil district, range, or surveyor's district is it located, and by whose land is it bounded on the east, south, west and north?

2. How many town lots do you own? What is their number, and in what town located? What is the number of front feet and depth of the lot?

3. What is the cash value of each tract of land and each town lot? What is the value of the improvements?

4. What is the value of your personal property, and in what does it consist, and where situated?

5. Are you engaged in any banking business, or are you a shareholder or bondholder, or engaged in, or the officer of any incorporated bank or other corporation? If so, state the number of shares and bonds held by you and other shareholders or bondholders in said business, and the value of said shares or bonds. And the Assessor shall require oath to be made to the correctness of the items thereof, (but no oath to be required as to the valuation of land), which oath shall be administered by the Assessor, or some Justice of the Peace, and entered thereon beneath said list, and signed and sworn to by the party listing.

SEC. 32. *Be it further enacted,* The Assessor shall enter the return on his assessment book, unless he has good and sufficient cause to doubt the correctness of said return, in which case he shall thoroughly investigate the matter, and make such an assessment as the facts warrant; and shall return said lists, with his tax book, to the County Court, which lists shall be filed by the Clerk of said court in his office, and carefully preserved for the inspection of the County Court.

**SEC. 33. Be it further enacted,** That persons acting as executors, administrators, guardians, agents or attorneys, clerks of any court, or in any fiduciary capacity whatever, shall make a return of the property, moneys, credits and effects held or controlled by them in either of said capacities, separate from their individual returns, and the same shall be listed separately for taxation.

**SEC. 34. Be it further enacted,** That in all cases where any person or persons acting in a fiduciary capacity, company, firm or corporation, or agent or attorney, shall fail, neglect or refuse to return to the Assessor the schedule of property for taxation, the Assessor shall report the facts to the Chairman or Judge of the County Court, who shall cite the person, agent or attorney, firm, officer, officers of the company or corporation before him, and shall demand of them to answer the questions in section 31 of this Act, under oath, and shall have power to punish for contempt for failure to answer. And if the refusal to answer is persisted in, the Judge or Chairman shall make such an assessment in each case from the best information he can obtain, and such assessment shall be conclusive as to the value of the property and as to the ownership of the property; and the costs accruing by proceedings under this section shall be paid by and be a charge against the tax-payer respectively and upon the property.

**SEC. 35. Be it further enacted,** That the Assessors shall complete their assessments on or before the first Monday of June, 1885, and annually thereafter on the fourth Monday of March, and on that day shall meet at the courthouses of their respective counties, and shall organize as boards of equalization.

**SEC. 36. Be it further enacted,** That said board of equalization when organized as aforesaid, shall make such examination, comparisons, corrections and alterations as may be necessary to produce as nearly as possible a fair and just equalization of the several assessments of property in said county.

**SEC. 37. Be it further enacted,** That if any person shall conceive himself aggrieved by any assessments, he shall present the matter to said board by petition or otherwise, and if it appear to the satisfaction of a majority of said board that the assessment complained of is erroneous or improper when taken in connection with other assessments in any ward or district, the proper correction shall be made, and after said board of equalization has been discharged the County Court shall have power to make

Executors,  
guardians, etc.  
make separate  
returns.

Refusal of  
agent to return  
schedule re-  
ported to  
county judge.

Judge to make  
assessment.

Time of com-  
pletion of as-  
sessments.

Boards of  
equalization.

Grievous as-  
sessments.

any correction of errors in assessments, in accordance with the law in such cases provided.

SEC. 38. *Be it further enacted*, That after said board shall have completed its labors, each Assessor shall sign his book of assessments and attach to it an affidavit substantially in the following form :

I, A— B—, do solemnly swear that I have care- <sup>Affidavit of assessors</sup> fully and to the best of my ability ascertained all persons liable to taxation, and have set down in the foregoing assessment all the property, real estate or personal, in my district or ward, liable to taxation, to the true owner thereof, to the best of my belief, and that I have estimated the value thereof according to the basis prescribed by law, to the best of my knowledge and ability, without fear, favor or affection, and that I have faithfully carried out all the requirements of the law in regard to assessments and discharged my duty as Assessor, according to law, to the best of my knowledge and belief, so help me God.

A— B—.

SEC. 39. *Be it further enacted*, That said Assessors shall make return of their several assessments to the Clerk <sup>Return of assessors.</sup> of the County Court on or before the fifteenth day of June, 1885, and thereafter annually on the first Monday in April next following the appointment, and then respectively their duties shall cease and determine.

SEC. 40. *Be it further enacted*, That should any of said Assessors fail to make returns of assessments as above required, unless such failure shall have been caused by sickness or some unavoidable circumstance, he shall be liable to a fine of not less than fifty nor more than five hundred dollars, and the County Court may enter judgment for said penalty at its July or any subsequent term against said delinquent, and collect the same on execution.

SEC. 41. *Be it further enacted*, That should the County Court, from any cause, be deprived of the assessments of any district or ward, a special assessment may be ordered for said district or ward.

SEC. 42. *Be it further enacted*, That the Clerk of the County Court shall make out from the assessment books in his possession, and deliver to the Trustee the tax book on or before the first Monday of October each and every year respectively, including the year 1885. Said tax books shall be made out by districts, and shall be ruled in suitable and appropriate columns, and shall show the names of owners in alphabetical order, the number of the block, number of acres, description of the pro-

perty, the value of each lot, tract or parcel of land, the valuation of personal property, under the appropriate heads or items called for by this Act, and the total valuation of real and personal property against each taxpayer. On this valuation the State, county and special taxes shall be extended in appropriate columns, separately, according to and at the rates levied by the proper authorities, and a column added showing the total of all taxes levied and to be collected from each taxpayer in said district.

**Tax aggregate  
for comp-  
troller.**

SEC. 43. *Be it further enacted*, That the Clerk of the County Court shall make out from said tax books an aggregate statement showing the value of all town lots, the number of acres, and value of all tracts of land, and the value of all personal property. This statement shall be made, and the facts shown by civil districts and wards, and aggregate for the whole county for the items named. Said Clerk shall specify in said statement which of said districts are suburban or country districts. This statement shall be forwarded to the Comptroller of the Treasury on or before the first Monday in October, with a statement showing the total amount of State tax charged upon said tax books, and to be collected.

**Penalty for  
clerk's neglect**

SEC. 44. *Be it further enacted*, That should any Clerk of the County Court fail to comply with the requirements of the three preceding sections when within his power to do so, he shall forfeit all claims for compensation for labor and services for making out and preparing said tax books.

**Pay of assess-  
ors.**

SEC. 45. *Be it further enacted*, That the pay of Assessors shall not exceed fifteen cents for each person having taxable property listed, and five cents for each person listed for a poll-tax only, in addition to the pay allowed in section 47 of this Act. While sitting as a board of equalization the Assessors shall receive the same compensation and *per diem* as is now allowed jurors in this State. The Assessors shall not be entitled to pay for double assessments; and where assessments are corrected because being duplicates, after the Assessors have received their pay, they shall be required to refund to the Trustee, who is authorized to bring suit therefor on their failure to refund. The Assessors shall receive no pay whatever until they shall have taken, attached and filed the oath in section 38 hereof provided, and until they shall have complied with the provisions of section 47 hereof. The County Court shall allow the Clerk reasonable compensation for making out the tax book.

SEC. 46. *Be it further enacted*, That the occupations

M

and business transactions that shall be deemed privileges, Occupations  
and be taxed, and not pursued or done without license, <sup>that are privi-</sup>  
leges. are the following, viz.: Merchants and commission mer-  
chants (wholesale and retail), auctioneers, cigar stands,  
plumbers and gas fitters, artists and architects, photog-  
raphers, brewers, banks or banking, brokers of all kinds,  
butchers, bagatelle tables, billiard tables, Jenny Lind  
and pool tables, circuses, menageries, flying jennies,  
exhibitions for profit, sleight of hand and legerdemain,  
hacks, carriages, drays and wheeled vehicles, run for  
profit, except farm wagons; hucksters and sample sellers,  
itinerants, claim agents, lumber dealers, stock yards and  
sale stables, fruit stands, shooting galleries, hotels or  
taverns, restaurants or public eating houses and boarding  
houses keeping transient customers for pay; express  
companies, express wagons and carts, transfer wagons,  
intelligence offices and keepers, each; the business of  
insurance agents; livery stables, sales stables, omnibus-  
es; peddlers of patent rights, peddlers of patent  
medicines, and peddlers in lightning rods and nostrums,  
peddlers of merchandise; pawnbrokers, liquor dealers,  
whether liquors be spirituous, vinous or malt, (wholesale  
or retail); race tracks, skating rinks, steam ferries;  
dealers, etc. in sewing machines; selling by sample;  
dealing in securities, shaving notes; theatres, telegraphs,  
ten pin alleys, variety establishments, commission  
brokers, dealers in stocks and bonds (other than brokers),  
dealers in county certificates or warrants, sleeping car  
companies, cotton compress companies, water-works  
companies, telephone companies, gas companies, hotels  
kept as summer resorts, and dealers in futures; all parks  
kept for pay; base ball clubs or any games played with  
ball and bat, where a fee is charged spectators for ad-  
mission; dealers in railroad tickets; *Provided*, the term  
“dealers in futures” shall not include purchases made  
for actual delivery, where the deliveries are made accord-  
ing to contract.

SEC. 47. *Be it further enacted*, That it shall be the duty of the Assessors to assess all taxable polls in their <sup>Polls.</sup> districts or wards, and to make return of the same to the Clerk of the County Court at the time they make return of the assessment; also to make in the shape of an alphabetical list sworn to by him to be correct, a return to said Clerk of the name of each person, company, firm or corporation, or agent of any person, company, firm or corporation, engaged in any business liable in any way <sup>List of privi-</sup> leges. to pay a privilege tax in his district, or ward, under the

County judge  
to compare  
lists.

Poll tax for  
schools.

Rate of poll  
tax

Trustee and  
County court  
clerk to col-  
lect.

Trustee to  
advertise.

Time taxes be-  
come due.

provisions of this Act. For each name contained in the list of privileges, the Assessor shall be entitled to be paid three cents. It shall be the duty of the Judge or Chairman of the County Court to examine the list of names so returned and compare the same with the list of persons paying privileges, and he shall report the result to the Quarterly Court at the July term following the assessment and each subsequent Quarterly Court.

SEC. 48. *Be it further enacted*, That every male inhabitant between the ages of twenty-one and fifty years, except persons who are deaf, dumb, blind, incapable of labor and of earning a livelihood, shall pay a poll-tax for school purposes.

SEC. 49. *Be it further enacted*, That the rate of taxation on every taxable poll shall be one dollar. Said poll tax shall be collected annually by the Trustee of the county, and shall be appropriated for common school purposes, in the manner prescribed by law.

SEC. 50. *Be it further enacted*, That the Clerk of the County Court shall collect all tax on privileges and merchants, and that the County Trustee shall continue to act as the collector of taxes in accordance with the provisions of sections one and two of an Act passed on the 24th day of March, 1875, entitled, "An Act more cheaply to collect the State, county and municipal revenues"; provided, however, this section shall not apply to municipal corporations that under existing laws are authorized to collect their own taxes on property, privileges and polls.

SEC. 51. *Be it further enacted*, That the Trustee, on receiving the tax books for the year 1885, and each subsequent year, shall give public notice by advertisement at four of the most public places in each civil district in said county that the tax books are completed and in his hands, and that he will attend and receive all public taxes at one or more places of each civil district, such places and the times to be designated in the advertisement.

SEC. 52. *Be it further enacted*, That every taxpayer shall pay his State, county, railroad, municipal, highway and school, and all his other property and poll taxes, to said County Trustee, and said taxes shall be due and payable on the first Monday in October of each year (the year for which they are assessed,) and shall bear interest from the first Tuesday in February following.

SEC. 53. *Be it further enacted*, That said County Trustee shall give to each tax payer a receipt for all the

taxes by him paid, and shall at the same time note on his tax book the amount so paid, and when paid, and in what sort of funds paid, and the same shall also be noted on the receipt given to the tax payer, and the County Court, for each county in this State, shall furnish the County Trustee or other tax collector of said county with a sufficient number of tax receipts printed in duplicate and blank form in a book or books, and duplicate receipts shall be preserved in the book to be submitted to the County Court by the tax collector whenever required to do so, and said receipt book of duplicates when filled shall be filed in the office of the County Court Clerk for reference, and shall be received for by the Clerk, and carefully preserved in his office as a record for the protection of tax payers who have paid their taxes and lost or misplaced their receipts.

SEC. 54. *Be it further enacted,* That hereafter (commencing with the taxes for the year 1885) it shall be the duty of the County Trustee, on the first Tuesday of February next, or as soon thereafter as practicable, following the receipt of said tax book, to make out and deliver to the Constable of each civil district in his county distress warrants for the unpaid taxes against the respective tax payers severally, which distress warrants shall have all the force and effect of executions from a court of record, and shall be authority for the officer to whom issued to collect the unpaid taxes therein specified, the interest thereon, the commissions and the costs, and to levy upon and distrain and sell personal property anywhere in his county, sufficient to pay the taxes and all costs, commissions, etc.; and in all cases where the officer cannot find personal property, or not sufficient personal property to satisfy the distress warrant, he is authorized to proceed by garnishment process, returnable before some acting justice of the peace on the first Monday of the month next succeeding the service. The proceedings on the return of such garnishment process shall be as provided in cases of garnishment on executions, and the judgment, if, upon the answer of the garnishee judgment shall go against him, shall be in the name of the Trustee, for the use of, etc. For the issuance of each distress warrant the Trustee shall be entitled to a fee of ten cents, to be taxed with the costs.

SEC. 55. *Be it further enacted,* That where there is more than one Constable in any civil district, then shall the Trustee elect to which of them said distress warrants

Selection of constables.

shall be issued, or the same may be divided up between said Constables, as the Trustee may determine.

*Special deputies for delinquent taxes.* SEC. 56. *Be it further enacted,* That if there be no Constable in any civil district, or if the Constable of any civil district fail to file with the Trustee the bond herein-after provided by the time specified, then the Trustee is required, and he is hereby empowered, to appoint special deputies, either one or more for each district, or one or more for several districts together; the deputies thus appointed are empowered to enforce said distress warrants, and they are vested with the same powers as given the Constables in the 54th section hereot.

*Constables' bonds.* SEC. 57. *Be it further enacted,* That the Constables severally shall, on or before the third Monday following the second Tuesday of February mentioned in section 54 hereof, execute to the County Trustee bond for double the amount of unpaid taxes in the district, or double the amount of the distress warrants to them issued, payable to the State of Tennessee for the use of the Trustee, and conditioned to be void if such Constable duly collect and pay over to said Trustee said amount of unpaid taxes on or before the second Monday in April then next ensuing, or to make due return of said distress warrants, as aforesaid, unsatisfied in whole or in part, or levied by garnishment, by said second Monday in April.

*Deputy's bond.* SEC. 58. *Be it further enacted,* That in case of the appointment of any deputy, as provided in the 56th section hereof, and before any distress warrants are issued to such deputy, he shall execute to the Trustee bond for double the amount of said distress warrants, conditioned and payable as the bonds required from Constables in the 57th section hereof.

*Securities on bonds.* SEC. 59. *Be it further enacted,* The bonds required from Constables in the 57th section hereof, and from deputies in the 58th section, shall be signed by two or more good securities, to be approved by the Trustee; and the securities shall acknowledge the execution of the bond before the Clerk of the County Court in the same manner that deeds are acknowledged, and shall, in addition, make oath that they own property in the county, liable to execution, over and above all their debts and liabilities, sufficient to cover the amount of the bond. The Clerk's fee for acknowledgment and jurat is to be paid by the Constable or deputy.

*Time for collecting delinquent taxes.* SEC. 60. *Be it further enacted,* That the Constables and deputies shall collect and pay over the taxes in the distress warrants specified, or make due return as required

by law in case of executions, by the second Monday in April aforesaid. On their failure to do so they shall be liable, by motion on their bond.

SEC. 61. *Be it further enacted*, That as compensation for his services, each Constable or deputy shall be entitled to a fee of fifty cents when levy is made and is collected, or twenty-five cents when after levy is made he is legally prevented from collecting, or no levy is made, to be collected from each delinquent taxpayer; and to four per centum commission on the amount by him collected, to be paid by the taxpayer. When the Constable collects he shall give a receipt and retain a duplicate, which is to be returned with the distress warrant; and the warrant so returned, with duplicate receipt, shall be filed in the Trustee's office.

SEC. 62. *Be it further enacted*, That any time after the first of July, 1885, for taxes for the year 1884, and thereafter for taxes from and after the year 1885, after return of said distress warrants, as provided in section 54, unsatisfied in whole or in part, as long as any part of the taxes, costs or damages remain unpaid, the Trustee may, as to taxes for 1884 issue original *alias* and *pluries*, and as to subsequent taxes, issue *alias* and *pluries* distress warrants to the Sheriff of the county, or any other officer authorized to execute and levy. Such warrants shall be returnable to the second Monday of the month next following the issuance; shall have the same force and effect as executions from courts of record; and shall be authority to the officer to whom issued to levy on personal property and sell the same, or to serve garnishment process, in case there be no personal property in the county, returnable before some acting Justice of the Peace on a day certain within one week from the service of the garnishment. It shall be the duty of the officer to whom such original *alias* or *pluries* distress warrant is issued, to collect, pay over, and make due return, and he shall be liable, on motion of the Trustee, on his official bond for failure to collect, pay over, make due return, or insufficient return. The Trustee shall not be entitled to any fee for the issuance of an *alias* or *pluries* distress warrant. But for original warrants for taxes for the year 1884 the Trustee, and for original warrants for 1884, and *alias* and *pluries* for taxes after 1884, the officer to whom issued shall be entitled to the same fees and commissions as provided in cases of original distress warrants in the 61st section hereof; the same to be paid by the delinquent tax payers, or charged up against them if returned unsatisfied.

**SEC. 63. Be it further enacted,** That in addition to Damages and interest on unpaid taxes. the interest as provided in section 52 hereof, (commencing with the taxes for 1884,) in all cases where taxes remain due and unpaid on the first of July of the year following the year for which they accrued, there shall be added an amount equal to three per centum of the original tax as damages. And in all cases where taxes remain due and unpaid on the first of July of the second year following the year for which the tax accrued, there shall be added another amount equal to six per centum of the original tax ; and another amount equal to six per centum of the original tax shall be added for the third year, if any such taxes remain unpaid on the first of July of the third year.

**SEC. 64. Be it further enacted,** That on the 15th of July of the third year after any taxes on realty, commencing with those for the year 1884, shall have become due, or as soon thereafter as practicable, the Trustee shall deliver to the Attorney General of the circuit in which the county is situated, a statement of said taxes so remaining due and unpaid, together with all costs, damages, fees, etc. The statement shall be in tabular form ; shall give in a correct copy from the tax books the name of the delinquent tax payer, the description of the property, the district or ward where situated, the amount of each tax, the costs, fees, damages, in detail ; the issuance of original alias and pluries distress warrants, and the returns thereon. The statement shall show each tax, fee, items of damages, costs, in detail ; also the aggregate of each ; also the sum total. A copy of the statement shall be presented with the original to the Attorney General, who shall compare the items and the aggregates, and who shall certify and receipt for the original on the copy, and shall return the copy to the Trustee, who shall present the same so certified and receipted in his settlement with the respective officers with whom by law he is required to settle.

**SEC. 65. Be it further enacted,** That as soon as practicable after the receipt by the Attorney-General of the statement provided for in the section next preceding, and with all proper dispatch, the said officer, either by himself or through associate counsel of his own selection, shall prepare and file bills in the Chancery or Circuit Court of the district in which the land is situated, for the purpose of enforcing the lien for the taxes respectively. The bills as to State taxes shall be filed in the name of the State of Tennessee ; as to county, school, railroad,

List of delinquent to Attorney General

Form.

Copy of statement.

Bills filed to enforce collection.

road, special taxes, in the name of the county in which the land is situated. Several pieces of property belonging to the same tax payer may be embraced in the same bill, and all parties having an interest in the property, and all parties necessary to enable the court to enforce the lien and divest title, and vest the same in the purchaser, may be made parties defendant. The bill shall include all State, county, school, railroad, road and special taxes due and unpaid on the property at the time of the filing thereof. The municipal corporations or taxing districts in which the land is situated shall, in their corporate capacity, be made parties defendant, so that the taxes due them may be ascertained. The decree shall include all the taxes up to and including the rendition of the same, to be ascertained from proof on the merits or on order of reference. When property is sold under such decree, out of the purchase money shall be paid *first* all the costs of court, including a tax fee of \$5 to the Attorney-General or his associate counsel for each piece or parcel of land, and a fee of fifty cents to the Trustee for each piece or parcel of land. Then shall be paid all the taxes, being a lien at the time of sale, State, county, school, railroad, special, public road, and municipal or taxing district taxes, in the order of priority as provided by law; the State tax to the Comptroller and the other taxes to the officers respectively entitled to receipt for the same. The surplus, if any, shall be paid out under the order of the court to the parties entitled thereto.

SEC. 66. *Be it further enacted*, That the form of a bill filed under the provisions of section 65 hereof, may be substantially as follows :

To the Honorable \_\_\_\_\_, Chancellor of the \_\_\_\_\_ Chancery District, or Judge of Circuit Court :

State of Tennessee and County of \_\_\_\_\_, Complainants, against A B, (and others, if there are other necessary or proper parties, to be named as in other chancery causes), resident of \_\_\_\_\_, (if municipal corporation or taxing district, insert corporate name), Defendants.

A B is the owner of the following described realty (here state, first, the description from the tax-books; then, if better description and reference to title can be readily obtained, state what is necessary to give such description and reference). The following parties have an interest in the property (name all of them; if any are non-residents or minors, state the facts; if any are minors, state whether or not they have guardian, and name

Includes all taxes.

Costs and fees.

the guardian.) From a statement furnished by the County Trustee, there are due on said realty the following taxes, duly assessed, which are a lien on the property :

|       | State. | County. | School. | Railroad. | Special Railroad. | Special. | Public Road. | Taxing District. | City. |
|-------|--------|---------|---------|-----------|-------------------|----------|--------------|------------------|-------|
| 188.. | \$     |         | \$      | \$        | \$                | \$       | \$           | \$               | \$    |
| 188.. |        |         |         |           |                   |          |              |                  |       |
| 188.. |        |         |         |           |                   |          |              |                  |       |
| 188.. |        |         |         |           |                   |          |              |                  |       |

(If there are more pieces of realty embraced than one, repeat statement as to each separate piece in the same manner.)

To the above taxes must be added the costs, fees, interest, damages, etc., as more fully set out in Exhibit —, herewith filed and made a part hereof, which shows the itemized statement of what is claimed to be due. The premises considered, complainants pray for copy and subpoena; (if publication is necessary, ask for publication); that defendants be required to answer (if minors are defendants, ask that they answer by guardian ad litem, to be appointed by the court); that complainants have a decree of reference to ascertain all the taxes due; that they have a decree of foreclosure, and that the property be sold, free from equity of redemption, and on time. They ask for all further and general relief.

\_\_\_\_\_, Attorney General.  
\_\_\_\_\_, Associate Counsel.

The bills shall be signed by the Attorney General, and by the associate counsel, if he has any. No security for costs shall be required. The proceedings shall be conducted as in other equity causes. The copies furnished by the Trustee from the tax-books and filed as exhibits, shall be *prima facie* evidence of the facts stated therein and of the amounts due.

Counsel exhibits.

No more sales by trustees.

Certificate of clerk.

SEC. 67. *Be it further enacted*, That hereafter (commencing with the taxes for 1884), no sales for taxes shall be made by the Trustees, and none certified to by the Circuit Court. Upon the filing of each bill as herein provided, the Clerk of the Chancery or Circuit Court shall, and it is hereby made his duty to certify to the Trustee the style of the cause, the rule number, the date of the filing, the taxes claimed as shown from the exhibits; and the Trustees shall enter a memorandum of the certificate on

the original tax book opposite the name of each taxpayer, and shall file the certificate. For such certificate the Clerk shall be entitled to a fee of fifty cents for each piece of property, to be taxed with the costs.

**SEC. 68.** *Be it further enacted,* That hereafter the Trustees in office shall turn over to their successors, when duly elected and qualified, all the tax books and lists of unpaid taxes, for which, when so turned over, and after examination the outgoing Trustee shall have credit, and the successor be charged, and they shall also make all settlements required by them to be made as provided by law; and in addition thereto they shall report to the Comptroller of the Treasury on the first day of July and January of each year, a list of all taxes due to the State, and when the taxes are embraced in the bills filed by the Attorney-General, giving name of taxpayer, description of property from the tax book, amount of tax, damages, etc., style of cause, rule number, date of filing of the bill.

**SEC. 69.** *Be it further enacted,* That the books of the Trustees shall have a separate column or columns opposite the name of each taxpayer to show in proper order the date of issuance of distress warrants, *alias* or *pluries*, date of statement to Attorney-General; date and rule number of bill filed; date of proof before Clerk and Master on order of reference; date of report to Comptroller as to State tax.

**SEC. 70.** *Be it further enacted,* That when at any time the Trustee's statement, to be made to the Attorney-General as herein provided, shall embrace taxes on property upon which a bill has been filed for previous years' taxes, and the cause is still pending, no original bill need be filed, but the lien may be enforced by petition in the original cause.

**SEC. 71.** *Be it further enacted,* That the compensation of the County Trustee for receiving and paying over to the rightful authorities all moneys received by him shall be six per centum on all sums up to ten thousand dollars, and four per centum on all sums above ten thousand and up to twenty thousand dollars, and a commission of two per centum on all other sums; *Provided*, that in computing the compensation of the Trustee, all funds, State and county, etc., shall be taken and estimated as one and each shall pay their respective portion of the above commission on all sums of money received by said Trustee for said State and county, and all corporations where the taxes are collected by the County Trustee;

Reports and  
settlements of  
trustees.

Form of books  
of trustees.

Original bill  
sufficient in  
causes pending.

Compensation  
of trustee.

All funds in  
one sum ex-  
cept school  
fund.

*Trustee to furnish statement to comptroller.*

*provided further, that the school fund shall not be included; provided further, that at the time of settlement with the Comptroller of the Treasury and County Trustee, and the computation of commission on collections, said Trustee shall furnish the Comptroller with a certified statement from the Judge or Chairman of his County Court, showing the amount actually collected by him and paid into the County Treasury; provided further, that the Trustee shall not be entitled to any commission on moneys turned over to him by his predecessor in office. He shall be entitled to a compensation of one per cent. on all sums paid to him by clerks, justices, and other collecting officers; in no case is his compensation to exceed five thousand dollars (\$5,000) per annum.*

*Collections by other officers.*

*Trustees to make same settlements as other collectors.*

*Monthly settlements with trustee.*

*Motion for balance upaid.*

*Credits.*

*Committee of three to examine settlements.*

**SEC. 72.** *Be it further enacted, That the County Trustee, in addition to the settlement now required to be made by him, shall make the same settlements, and with the same officers, at the same times and places, and in the same manner as the revenue collectors, and other collectors of property and poll taxes, State, county and municipal, are required by law.*

**SEC. 73.** *Be it further enacted, That on the first Monday in March, and on the first Monday in each month thereafter, the Judge or Chairman of the County Court for his county, and the Mayor or other proper authority of each municipality, as have taxes collected by the Trustee, except taxing districts of the first-class, as to which the funds shall remain as now provided by law, shall settle with the County Trustee, and ascertain what balance is due from him to the county and municipality respectively, and said Mayor, or other proper authority, of such municipality, shall demand the balance due his municipality, and if the same is not paid, shall forthwith move against said Trustee on his official bond for such balance. In making said settlement the Judge or Chairman and said proper municipal authority, respectively, shall allow the Trustee all credits to which he is entitled by law.*

**SEC. 74.** *Be it further enacted, That the quarterly court shall appoint a committee of three competent citizens, not members of the County Court, to examine all settlements made by the County Judge or Chairman, with the various revenue officers of the county for the quarter immediately preceding said term of the court, which said committee shall examine all such settlements and report at once, or during said term of the court; Provided,*

That they receive two dollars per day each as compensation for making each settlement.

**SEC. 75. Be it further enacted,** That the settlements made by said Judge or Chairman and committee of the court shall be spread upon the minutes of the court, and shall specify every credit allowed said Trustee for insolvencies, removal, double taxation, and such other credits now allowed by law to revenue collectors, except compensation, and a certified transcript, under the seal of said court, shall entitle said Trustee to a credit for the State's proportion of such credits, in settlement with the Comptroller.

Minutes of  
court to show  
all credits in  
settlements.

**SEC. 76. Be it further enacted,** That no assessment shall be invalid because the number of acres or the size and dimensions of any tract, lot or parcel of land has not been precisely named, or the amount of the valuation or tax not precisely given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical; but all such assessments shall be good and valid.

Inaccuracies  
do not invali-  
date assess-  
ments.

**SEC. 77. Be it further enacted,** That, commencing with the taxes for the year 1884, and annually thereafter, at the July term of the County Court, but not later, of the year succeeding the year for which the taxes are due, the Trustees of the several counties of the State shall present a complete and accurate list of all errors and uncollected taxes due from the assessments of personal property and polls for the preceding year, with the reasons assigned why the same have not been collected. The said County Court shall carefully consider said list, denominated errors and insolvencies, and if just, shall allow the same, or so much thereof as shall meet the approbation of the court, and shall order a credit for such amount as they may deem just and proper. But the Trustee shall proceed to collect, if he can, and shall have the power to issue distress warrants, *alias* and *pluries*, whenever the money can be made; and he shall report and account for such collections made from insolvencies. He shall, also annually, at the July term of the Quarterly Court, (and not later) report to said court the delinquent realty tax so that the same may be compared and examined by the court, and so that proceedings by motion or otherwise, may be had against the Trustee for failure to collect if he could have collected, and for failure to make returns

List of errors  
and insolven-  
cies.

County Court  
to audit list  
and allow  
credits.

Report of real-  
ty delinquen-  
cies.

provided for. A copy of the order of the court in regard to these returns on realty and personality shall be furnished to the Comptroller by the Clerk, in order that the Comptroller may close up the year's accounts and charge up the amount to the next year.

**Monthly settlements with Comptroller.** SEC. 78. *Be it further enacted,* That said Trustee shall make monthly settlements with the Comptroller of the State, and with the Judge or Chairman of the County Court, and with the financial agent or Treasurer of each municipality, and pay over to the State Treasurer and said financial agent, respectively, the amounts shown by the respective settlements to be due each.

**Final account to Comptroller** SEC. 79. *Be it further enacted,* That each and every Trustee shall, on or before the fourth Monday in September, submit his final account to the Comptroller of the Treasury, for the purpose of making settlements and accounting for all taxes and damages, etc., by him collected, for and on behalf of the State, and on such settlements shall be allowed credit as provided for in sections 648 to 660 inclusive of the Code, so far as the same are applicable, and all other proper credits to which he is entitled by law.

**Accounts of trustee and settlement with county.** SEC. 80. *Be it further enacted,* That each and every Trustee shall, on or before the time named in the preceding section, submit his account as County Trustee to the Judge or Chairman of the County Court, for the purpose of making settlements and accounting for all taxes and penalties, and all other county revenue collected by him for and on behalf of the county; and on such settlements shall be allowed credits as provided for in sections 648 to 660 of the Code, and chapter 139, page 180, Acts 1879, so far as they are applicable, and with all legally authorized disbursements and credits; and in default of making such settlements, and satisfactorily accounting for all money that shall have come into his hands, shall forfeit his office. On such settlement the Chairman of the County Court, or other officer making said settlement shall see that the full amount of county revenue charged to said Trustee in the tax-books has been fully accounted for.

**Credits.** SEC. 81. *Be it further enacted,* That each and every Assessor who, in the discharge of his duties as such Assessor, shall, in any case, refuse or neglect to perform any duty enjoined upon him by law, shall knowingly or wilfully evade or violate any of his duties as Assessor, whereby any proceedings required by law to be per-

**Neglect or evasion by any assessor made a misdemeanor.**

formed, shall be prevented or hindered, or whereby any property or capital required to be listed for taxation by this Act shall not be assessed, or shall be assessed at less than its true value on the basis prescribed by this Act, shall, for every such neglect, refusal, wilfull evasion or violation, be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall forfeit and pay to the State not less than fifty, nor more than five hundred dollars, at the discretion of the court and jury. And where any of the revenue officers charged with the collection of revenue fail to report and pay over the same as required by law, they shall be subject to the same fine as above, and in addition thereto shall be liable to a penalty of 15 per cent. on amount of revenue so collected and not reported or paid over, and in nowise to be remitted.

**SEC. 82.** *Be it further enacted,* That this Act shall not be so construed as to prevent towns acting under charters of incorporation from providing for the assessment and collection of taxes, in pursuance of their charter, for municipal purposes, if such cities or towns have their own tax collector.

**SEC. 83.** *Be it further enacted,* That chapter eighty-one Acts repealed. of the Acts of 1875, entitled "an Act to amend all laws for the assessment and collection of revenue," and chapter seventy-three of Acts of 1877, entitled "an Act to amend all laws for the assessment of property," and chapter two hundred and forty-five of the Acts of 1879, entitled "an Act to repeal an Act passed March 23, 1877, and to amend revenue laws of the State, and to amend the Act passed March 23, 1875, entitled 'an Act to more cheaply collect the State, county and municipal revenue,'" and chapter one hundred and seventy-one of Acts of 1881, entitled "an Act to provide more just and equitable laws for the assessment and collection of revenue for State and county purposes, and to repeal all laws now in force whereby revenue is collected from the assessment of real estate, personal property, privileges or polls, so far as they conflict with this Act; also chapter one hundred and five of the Acts of 1883, approved March 30, 1883; and all Acts and parts of Acts upon the subject of assessment and collection of taxes and sale of land for taxes, in conflict with the provisions of this Act, and all other Acts in conflict with the provisions of this Act, also "Chapter 28 of the Acts of the General Assembly, Second Extra Session of 1882, approved April 27, 1882, be and they are hereby repealed; but this repeal

not to operate so as to interfere with taxes assessed prior to the passage of this Act, except as hereinbefore especially otherwise provided; and *Provided, further,* That the taxes assessed for and due taxing districts of the first-class for the year 1885 and prior thereto shall not be affected by this repeal, but shall be collected under the law in existence prior to the passage of this Act.

SEC. 84. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 2.

**AN ACT** to Regulate the Working and Laying-out of Public Roads, and to compile the road law, and to include all laws on this subject in one Act.

**SECTION 1.** *Be it enacted by the General Assembly of* <sup>Public roads defined.</sup> *the State of Tennessee,* That all the roads now laid out agreeably to law, or shall be laid out, shall be deemed public roads.

**SEC. 2.** *Be it further enacted,* That it shall be the duty of the county courts at the January term to divide their counties into road districts, and to elect one road commissioner for each district for one year, and until his successor is elected and qualified; *Provided,* the road districts shall remain as they are now established until the same are altered by law, and the commissioners shall be elected by the April term of the court in 1885, as now provided by law, or shall hold their office until the 1st of January, 1886, and until their successors are elected and qualified.

**SEC. 3.** *Be it further enacted,* That the County Court, at its January term, may increase or diminish, alter or change, the road districts of said county, as they may deem best; and vacancies may be filled at any quarterly term, and such commissioners shall serve until the next regular election.

**SEC. 4.** *Be it further enacted,* That said commissioners shall serve at least one term; and any person subject to highway labor, who shall fail or refuse to serve when served with notice of his appointment, shall be guilty of a misdemeanor; but for good reason shown, the quarterly court may receive the resignation of any commissioner when tendered in writing, giving good and sufficient cause for the same; and no person shall be required to serve more than one in three consecutive terms.

**SEC. 5.** *Be it further enacted,* That each commissioner shall have control of the highways and bridges in his district, and shall have general supervision of the overseers of his district, and direct the manner of working the roads in said district; and it shall be the duty of said overseers to work the public roads as directed by said commissioner.

## Contracts.

**SEC. 6. Be it further enacted,** That said commissioner may contract with any tax-payer to perform any labor upon the highway, or to furnish any material for the same, and give the necessary credit therefor.

## Notice to commissioners.

**SEC. 7. Be it further enacted,** That the county court clerk shall, within ten days after the election of any commissioner, deliver to the sheriff duplicate certificate thereof, giving the bounds of his road district, and said sheriff shall deliver one copy to said commissioner and make his return upon the other within twenty days, to be filed in the office of the county court clerk; and for failure so to do, said clerk or sheriff, shall forfeit and pay five dollars for each offense, to be recovered before any justice of the peace of his county by any road hand or taxpayer of such commissioner's district, such penalty to be paid to the county trustee for the benefit of public roads.

## Oath of office.

**SEC. 8. Be it further enacted,** That said commissioners, before entering upon the duties of their office, shall take and subscribe to an oath before the county court clerk, to be filed by him with said clerk, that he will to the best of his ability discharge all the duties of his office, and properly account for all moneys and other property which may come into his hands by virtue of his office.

## Removals.

**SEC. 9. Be it further enacted,** That the county court may remove any commissioner from office for failure to properly perform any of the duties required of him; but such commissioner shall have at least five days' notice of the charges preferred against him, and shall be heard in his defense: but when two or more highway districts have consolidated the office of any or all commissioners in said districts, such office in such districts may be declared vacant without notice.

## Districts consolidated.

## Record and statement to be filed.

**SEC. 10. Be it further enacted,** That each commissioner shall keep a correct record of all official business transacted by him, and make all necessary returns to the Judge or Chairman, and by the 25th day of December, each year, shall render an itemized statement in writing, showing how the money has been expended, and the amount on hand; which statement, with vouchers for all money paid by him, shall be filed in the office of the county court clerk, and be subject to the inspection of the tax-payers of the respective districts.

## Roads classified.

**SEC. 11. Be it further enacted,** That the commissioners shall classify the roads in their respective districts into three classes, to be entered of record in the office of

the county court clerk in a book to be kept for said purpose; and they shall assign to each overseer of such roads hands within certain bounds, giving the names of the owners or occupants of the farms or residents thereon, necessary to keep such roads in good repair, having regard to the nearness of residence of such hands as much as possible, and may make such changes from time to time as he may deem best.

**SEC. 12.** *Be it further enacted,* That the commissioner <sup>Overseers.</sup> shall appoint all overseers who shall have charge of not less than one, nor more than five miles of road, and who shall reside on or near one of the roads over which he is appointed, and who shall serve one year, or until his order of appointment is returned or his dismissal by the commissioner. Within ten days after an overseer is appointed, the commissioner shall deliver to him an order giving him the limit and class of his section of road—the farms and residences allotted to said section, and the number of days the hands on his road are liable to work upon the highway.

**SEC. 13.** *Be it further enacted;* That the commissioners shall take charge of all road tools in their respective road districts; and may require overseers to give bond for the care of tools furnished them; and the commissioners shall not allow any overseer his *per diem* until he shall account for all tools so furnished.

**SEC. 14.** *Be it further enacted,* That all applications to open, change, or close a road shall be made to the commissioner of the district through which the road is located; or if the road extends into two or more districts or is the dividing line between districts, then, to the commissioners of said districts, who shall act jointly, and shall give at least ten days' notice to all interested parties of the time they will inspect said roads, and may employ a surveyor to locate the same. Any person aggrieved by the action of the commissioners may appeal to the next term of the quarterly court of the county, and if the application is granted all costs and damages shall be paid by the applicant, unless for good reason they shall assess the same to the county, in which event they shall report their action to the next term of the county court for approval; and if the county court disapprove the same, parties aggrieved may appeal to the circuit court.

**SEC. 15.** *Be it further enacted,* That the commissioners may purchase tools that cannot be furnished by the hands and taxpayers, and timber and other material to

<sup>Hands de-</sup>  
<sup>tailed.</sup>

<sup>Tools in charge</sup>  
<sup>of commis-</sup>  
<sup>sioners.</sup>

<sup>Applications</sup>  
<sup>to change,</sup>  
<sup>open or close</sup>  
<sup>roads.</sup>

Grievances.

Purchases and  
contracts only  
with funds on  
hand.

keep the highway and bridges in repair, and may contract for building necessary bridges and for other work, to be paid for by said commissioners with any money in the hands of the county trustee belonging to the road fund ; but they shall not contract any debt to be paid for by any future assessment, unless, authorized by the county court, and in no case shall any contract be let to a commissioner.

*SEC. 16. Be it further enacted,* That the commissioner may remove any overseer from office who shall fail or refuse to perform his duty, or comply with any reasonable order of said commissioner ; and in all disputes with hands or taxpayers in regard to their respective duties, the overseer shall refer the matter in dispute to the commissioner and shall abide his decision.

Removal of  
overseer.

*SEC. 17. Be it further enacted,* That the commissioners shall settle with the overseers in their respective districts before the 25th day of December each year for services rendered, by giving order on the county trustee for amount, and they shall require each overseer to make oath before some justice of the peace of the number of days of actual service, and may require other proof when necessary ; and shall require proof of the safe keeping of all tools furnished said overseer before paying his *per diem*.

Settlements  
with overseers.

*SEC. 18. Be it further enacted,* That overseers may bring suit before any justice of the peace against all persons subject to highway labor in their districts who shall fail or refuse to work, or commute for such work, when notified by the overseers. Such fine, when collected, to be paid to the trustee, and to be used in the same manner as the highway tax.

Suits against  
delinquents.

*SEC. 19. Be it further enacted,* That overseers, upon receiving their orders of appointment, shall take immediate supervision of their respective roads, and may work any part of the same at any time they think necessary, or the commissioners may direct, by giving three days' notice, and they shall be present and superintend all work done, and shall not require more than two days' work in any one week for any section of road at any one time.

Manner of  
working.

*SEC. 20. Be it further enacted,* That if any highway shall become impassable by reason of any casualty, from any cause whatever, overseers shall give instant notice to any hands on the section of road where such casualty occurs, and repair the same, and shall give such hands credit for the time employed upon any future work.

**SEC. 21.** *Be it further enacted,* That any overseer, or any person acting under his authority, may enter upon any lands adjoining or near to his section of road to construct any drain or ditch necessary for the preservation or improvement of such road, or to obtain any rock, gravel, timber, or other material for use upon such road; *Provided*, he can do so without imposing any material damage upon the owner or occupant of such land; said owners or occupants first being consulted, and a fair valuation being agreed upon and paid by the overseer or commissioner before removal of the same.

**SEC. 22.** *Be it further enacted,* That commissioners shall furnish durable mile posts, giving distance to county seats or prominent places on all roads to be worked by overseers, and require said overseers to erect the same and keep them up; and overseers shall keep guide posts at all cross roads or forks of roads, directing to the most public place on each road, and place foot logs, with hand-rails, over all streams, if practicable, where there are no bridges; and any person wilfully damaging any such mile posts, guide posts or foot logs in any manner, shall be guilty of a misdemeanor.

**SEC. 23.** *Be it further enacted,* That overseers shall dismiss from service upon the road any hand or hands, whether working for himself or as a substitute, who shall fail to do good and efficient work, or shall hinder other hands, or who may be intoxicated, or shall refuse to obey any reasonable orders of said overseer; and shall proceed against said hand or hands as though they had refused to obey the notice to work said roads.

**SEC. 24.** *Be it further enacted,* That overseers shall keep open ditches on the sides of the roads, of sufficient width and depth to drain them, and construct their roads to slope from the center to each side ditch; and shall remove all dead or leaning trees, overhanging limbs, or other obstructions, and grade their roads to a width of not less than fifteen feet between the drains, and ten to fifteen feet on second class roads, and shall use no material but broken stone and gravel, when the same can be conveniently obtained, to form the surface of the road-bed, but the commissioners may release them from any of the provisions of this section which are unnecessary or impracticable.

**SEC. 25.** *Be it further enacted,* That all new roads opened after the passage of this Act, shall, when practicable, be laid out not less than eighteen nor more than twenty feet wide for first-class roads, nor less than

fourteen nor more than eighteen feet wide for second-class roads; and not less than ten nor more than fifteen feet wide for third-class roads, to be worked in whole or in part under the provisions of this Act; and the bed of no stream of running water shall be measured as the width of any road. And the overseer, by and with the advice of the commissioner, shall open all old roads to the width set out in this section when necessary for the proper working of the same, and the commissioner shall assess damages, subject to appeal to the county court.

*Joint work on dividing roads.* SEC. 26. *Be it further enacted,* That if any highway to be worked under the provisions of this Act shall be the dividing line between two or more road districts, the commissioners of the respective districts may divide the same, or may by agreement work by joint effort; but if said commissioners fail to agree, then the same shall be referred to the county court.

*Obstructing roads a misdemeanor.* SEC. 27. *Be it further enacted,* That any person who shall put, or cause to be put, any brush, briars, or any other obstruction, upon any highway, shall be guilty of a misdemeanor, and shall be fined as in other misdemeanors, and the fine shall be paid to the county trustee and shall be expended by him as other highway tax, and such person or persons shall be liable for any damage caused by such obstructions.

*Shortcomings of road officers.* SEC. 28. *Be it further enacted,* That if any overseer or highway commissioner shall willfully fail or refuse to perform any duties required of him by this act, or who shall show any partiality or discrimination in the exercise of his duties, shall forfeit and pay not more than twenty dollars for such offense, to be recovered by any person suing therefor before any justice of the peace, and paid by the officer collecting the same to the county trustee for the benefit of the highways; and for continued neglect in keeping their highways in good repair, any overseer and commissioner may be indicted, and upon conviction may be fined not more than fifty dollars, the attorney-general to be prosecutor, and the judges shall give this act in charge to the grand jurors; but it shall be a good defense for any commissioner or overseer failing to keep any highway in good repair, to show by proof that the entire assessment in labor and taxes have been applied in good faith to such highway, as soon as practicable after said labor and money was available to him.

*Pay of overseers and commissioners.* SEC. 29. *Be it further enacted,* That each overseer shall be paid one dollar for each day required in the per-

formance of the duties imposed upon him by the provisions of this Act, to be paid as heretofore provided, on his making affidavit thereto before any justice of the peace. The commissioner and overseer shall be exempt from working on the highways except in the performance of their official duties, but such commissioner or overseer shall be required to contribute as many days of official service as are assessed to the hands working said highways, as required by the provision of the thirty-seventh section of this act. *Provided*, That the pay of no commissioner shall exceed ten per cent. of the tax collected in his road district for any one year.

SEC. 30. *Be it further enacted*, That the provisions of <sup>Cities and towns.</sup> this Act shall not apply to incorporated cities or towns, except such towns as are not taxed to keep up their streets; but their county courts of the respective counties, shall order the enforcement of the provisions of this Act in such towns as are not taxed to keep up the streets and which fail to work the same as prescribed by municipal authority.

SEC. 31. *Be it further enacted*, That it shall be the <sup>Road law furnished.</sup> duty of the county court to furnish each highway commissioner copies of this Act for the use of himself and overseers. And the Secretary of State shall cause to be published ten thousand copies of this Act for distribution according to population of the several counties, not including the population of incorporated cities and towns, and the same shall be provided for in the general appropriation bill.

SEC. 32. *Be it further enacted*, That in any suit, for <sup>Costs of suits.</sup> the enforcement of any of the provisions of this Act brought in good faith by any commissioner or overseer and prosecuted by the advice of the attorney-general, if such suit fail, the cost shall be paid by the county trustee upon the order of the commissioner.

SEC. 33. *Be it further enacted*, That a day's work <sup>A day's work.</sup> within the meaning of this Act shall be eight hours of actual service.

SEC. 34. *Be it further enacted*, That the penalty for <sup>Penalty.</sup> failure of any hand to perform the labor as required in the preceding section shall be one dollar for each day's failure and all costs, and in the enforcement of such penalty no property shall be exempt from execution.

SEC. 35. *Be it further enacted*, That all persons <sup>Prisoners for road work.</sup> confined in county jails or workhouses, either under sentence of court for crimes or imprisoned for the non-

*Overseer responsible.*

payment of fines and cost, shall be available to the commissioner for the purpose of working them on the public roads upon application of any overseer having an order from the county court. The sheriff or jailer having such prisoners in custody, shall deliver them to such overseer, who shall be responsible for their safe-keeping and return; and such prisoners so employed, shall be allowed so much per day as provided by law, which shall be credited on the county charge against them. And if any prisoners escape from the overseer through his negligence, the overseer shall be guilty of a misdemeanor, if the prisoner was under sentence of court for crime, and shall be fined not less than ten dollars; but if such prisoner was confined in prison for non-payment of fines and costs, the overseer shall be responsible and pay to the sheriff or jailor the amount of such fine and costs, and said prisoner shall be credited with the same: *Provided*, that such prisoners shall work separately from the road hands, either on the roads or preparing stone or other material for the road.

*Road assessments.*

SEC. 36. *Be it further enacted*, That the county court in each county in this State shall, at the first quarterly session after the passage of this Act, and at each January session thereafter, assess the number of days to be worked by the road hands upon the highway, and assess the highway tax. But said assessment shall be made in the following ratio: Five cents on the one hundred dollars, to three days' work; eight cents on the hundred dollars, to four days' work; eleven cents to five days' work, and fourteen cents to six days' work.

*Road hands.*

SEC. 37. *Be it further enacted*. That all male inhabitants over eighteen and under forty-five years of age, except such as are permanently disabled from performing ordinary labor, and are released by the commissioner upon the presentation of a release from the county court from paying poll tax, shall work on the highway, each year, not less than three nor more than six days, on three days' personal notice being given by the overseer of the time and place to commence. And any hand so notified may be exempted from work on the road by sending an able-bodied substitute, or by paying one dollar for each day.

*Substitutes.*

*Highway tax.*

SEC. 38. *Be it further enacted*, That the tax for highways shall not be less than five nor more than twenty cents on each hundred dollars' worth of property as shown by the assessment made by the county assessors;

and on privileges not more than one-fourth of the assessment for county purposes. All taxes assessed under this Act, and collected as hereinafter provided, shall be used for maintaining the highways and bridges in the road districts in which such assessment is made. And all such tax shall be paid in money; *Provided*, that the county court may order that half the assessment may be paid in work, if deemed best; but if paid in work the commissioner shall pay for said labor the amount agreed upon by himself and laborer, and in no case shall a higher rate be paid than is customary for like labor in the vicinity in which such labor shall be performed. The overseer shall specify the kind of teams or tools the hands or taxpayers shall furnish, but said hands or taxpayers shall not be required to furnish any teams or tools not owned by them.

Labor at market prices.

SEC. 39. *Be it further enacted*, That all assessments for Collection. highway purposes shall be collected as other county revenue by the county trustee, who shall be allowed a commission of two and one-half per cent. for collecting and paying out the same.

SEC. 40. *Be it further enacted*, That all of said highway tax shall remain in the hands of the county trustee, Trustee to pay on orders. and shall be paid out only upon the written order of the commissioner, which shall state specially for what purpose the same is to be paid.

SEC. 41. *Be it further enacted*, That the trustee shall make settlement with the chairman or judge of the county court for the highway tax, and shall account for the same in the same manner that he is now required to make for county taxes. That the clerk of the county court, for making out tax books, shall be allowed a Compensation of clerk. reasonable compensation, to be ascertained by the county court in quarterly session.

SEC. 42. *Be it further enacted*, That section 1182 to Acts repealed. section 1211, both inclusive, section 1216 to 1240, both inclusive, of the Code of Tennessee, and an Act passed March 23, 1881, approved March 30, 1881, chapter 38, entitled an Act to regulate the working and laying out of public roads, as well as all laws in conflict with this Act, be and the same are hereby repealed, it being the intention to compile all laws on the subject of laying out and working public roads, and to include them in this Act; *But provided, however*, that nothing in this Act shall be taken or construed to in any way alter, impair or abridge the power the county court now has to build, repair and maintain bridges and turnpikes.

**SEC. 43. Be it further enacted,** That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY.  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 3.

**AN ACT to Levy and Collect Taxes for the Taxing District of Shelby County, Tennessee, for the next (2) Two Years, 1885 and 1886.**

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That an annual tax is hereby levied on all the taxable property, real and personal, including merchants' capital and all others who are assessed for *ad valorem* taxes on capital invested, bank stocks and all other stocks subject to taxation, within the territorial limits of the taxing district of Shelby county, Tennessee, as follows: Thirty cents (30) on the \$100 to defray the expenses of the police department; thirty cents (30) on the \$100 to defray the expenses of the fire department; fifteen cents (15) on the \$100, together with the poll-tax of \$1.00 *per capita* to defray the expenses of the public schools of the district; fifteen cents (15) on the \$100 to defray the expenses of lighting the district; fifty cents (50) on the \$100 for paving and repairing streets, for building and repairing bridges and market-houses, for the construction and repairing of sewers and drains, and for the sanitary purposes of said district; ten cents (10) on the \$100

for hospital service of said district; ten cents (10) on the \$100 for building school houses exclusively in said district; seventy-five cents (75) on the \$100 in the eight original wards, and fifteen cents (15) on the \$100 in the 9th and 10th wards as they existed when added to the original eight wards, for the purpose of paying interest on the bonds issued and stamped under chapter 170 of the Acts of 1883, the same to be deposited, used and disposed of under the provisions of said Act, (chapter 170, Acts of 1883).

SEC. 2. *Be it further enacted*, That all laws now in force or that may hereafter be passed, for the collection of other State taxes shall be, and are hereby declared to be in force as to the collection of these taxes: And section two (2) of the Act commonly called the sewer Act, passed December the 23rd 1879, at the extraordinary session of the Forty-first General Assembly of the State, be and the same is hereby declared to be in force as to these taxes in all respects, so far as the same is applicable.

SEC. 3. *Be it further enacted*, That this Act take effect on and after its passage the public welfare requiring it.

Passed January 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 28 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 4.

**AN ACT** to appropriate the sum of ten thousand dollars for the preparation, completion of the arrangement, the preservation and return of the exhibits sent from the State of Tennessee to the World's Exposition at New Orleans, Louisiana.

**Appropriation** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of ten thousand dollars be and the same is hereby appropriated to defray the expenses of the preparation, completion of the arrangements, the preservation and the return of the exhibits sent from the State of Tennessee to the World's Exposition at New Orleans, Louisiana.

**How paid.** SEC. 2. *Be it further enacted,* That said sum of ten thousand dollars be paid out of the Treasury of the State upon the warrant of the Comptroller to A. J. McWhirter, Commissioner of Agriculture, Statistics and Mines, as the same may be required by him to defray said expenses.

**Vouchers.** SEC. 3. *Be it further enacted,* That the Commissioner of Agriculture, Statistics and Mines of the State of Tennessee shall keep an itemized account of all moneys collected and disbursed by him under the provisions of this Act, and shall report the same, accompanied with all vouchers for money expended, to the next session of the General Assembly of Tennessee.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 27, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 5.

AN ACT to amend An Act to provide for the organization of corporations, approved March 23, 1875, so as to authorize the organization of Union Depot Corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act referred to in the title of this Act be so amended that charters for purposes of individual profit may be granted to any association of individuals for erecting, maintaining and keeping or leasing to others a Union Depot to accommodate railroad passengers, and to furnish facilities for handling and transferring railroad freights.

SEC. 2. *Be it further enacted,* That the form of charter for such a Union Depot Corporation shall be as follows: "State of Tennessee, Charter of Incorporation. Be it known that [here insert the names of five or more persons above the age of twenty-one years] are hereby constituted a body politic and corporate by the name and style of [here insert the name of the corporation] for the purpose of erecting, maintaining, furnishing and keeping or leasing to others, a Union Depot, for the accommodation of railroad passengers and for handling and transferring railroad freights at \_\_\_\_\_, in the county of \_\_\_\_\_, upon certain premises described as follows: [Here describe the premises upon which the Union Depot is to be built]. The general powers of said corporation are: [Here insert the powers, etc., as contained in section 5 of the Act which this Act is intended to amend]. And in addition to the above powers, said corporation shall have the power to erect, maintain, furnish and keep or lease to others a Union Depot, to accommodate railroad passengers and to handle and transfer railroad freights. Said corporation shall also have power to erect, maintain, furnish and keep on said premises, or lease to others, a hotel or restaurant, or both, and also a news-stand; and in the event said corporation shall decide to erect a hotel upon said premises it shall also have the powers and be subject to the liabilities contained in the charters of hotel companies, as specified in section 18 of the Act which this Act is intended to amend. Said corporation is authorized to borrow money on mortgages of its lands and buildings, and to issue

Powers.

coupon bonds bearing a legal rate of interest for the purpose of purchasing the necessary lands and of erecting, maintaining, furnishing, keeping or repairing the necessary buildings and improvements, and for any other legitimate purpose of the corporation; and it may also mortgage the rents, issues and profits of said corporation to secure said money or bonds.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed January 29, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 6.

AN ACT to amend an act entitled "An Act to levy and collect Taxes for the Taxing District of Shelby County, Tennessee, for the next two (2) years, 1885 and 1886," passed on the 21st of January, 1885, and approved on the 28th of January, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1 of the Act aforesaid be and the same is hereby amended so as to appropriate ten cents (10) instead of fifteen cents (15) on the \$100, to defray the expenses of lighting the district, and so as to appropriate thirty-five cents (35) instead of thirty cents (30) on the \$100, to defray the expenses of the fire department.

SEC. 2. *Be it further enacted*, That said section 1 of the Act aforesaid be and the same is hereby further amended so as that the ten cents (10) on the \$100 therein

appropriated "for building school-houses, exclusively in said district," shall be and stand appropriated to "public buildings, including public school buildings in said district."

SEC. 3: *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed January 30, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 14, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 7.

AN ACT to abolish the Charter of the town of Dresden, in Weakley County, Tennessee, and repeal sections 1 to 26, inclusive, of chapter III of the Acts of 1869-70, entitled "An Act to reincorporate the town of Dresden, in Weakley County, and for other purposes," and sections 25 and 26 of Chapter 54 of the Acts of 1868-9, entitled "an Act to incorporate the Tennessee Agricultural and Mechanical Association;" Chapter 64 of the Acts of 1845-6, entitled "an Act to incorporate the town of Dresden, in the county of Weakley," and Chapter 51 of the Acts of 1827, entitled "an Act to incorporate the inhabitants of the town of Dresden, in the county of Weakley," and Chapter 186 of the Acts of 1843-4, entitled "an Act to extend the corporate limits of the town of Dresden, in the county of Weakley.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of chapter III of Acts of 1869-70, passed March 2, 1870, sections 25 and 26 of chapter 54 of Acts of 1868-9, passed February 23, 1869, and chapter 64 of

the Acts of 1845-6, passed January 15, 1846, and chapter 51 of Acts of 1827, and chapter 186 of Acts of 1843-4, passed January 29, 1844, be and the same are hereby repealed; and the charter of incorporation of said town of Dresden is abolished.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after April 1st, 1885, the public welfare requiring it.

Passed third reading January 30, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 14, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 8.

AN ACT to perfect the Mechanics' Lien Law, and to secure to the mechanic his just reward.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1990 of the code (M. & V. section 2750) be and the same is repealed.

SEC. 2. *Be it further enacted*, That hereafter the journeyman's lien shall not be lost where the undertaker has transferred the debt due him.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 16, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 9.

**AN ACT** to extend the statute of limitation to liens and on Realty and to quiet titles.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That liens on realty retained in favor of vendors on the face of a deed, also mortgages, deeds of trust and assignments of realty executed to secure debts, shall be barred and the liens discharged, unless suits to enforce the same be brought within ten years from the maturity of the debt, provided that this statute shall not run against existing liens only from the date of the passage of this Act.

**SEC. 2.** *Be it further enacted,* That the provisions of the foregoing Act shall not apply to lands sold for school purposes, whereon liens have been retained for the payment of the purchase money, provided this Act shall not apply to persons under disability until three years after the removal of the same.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 20, 1885.

WM. B. BATE,

*Governor.*

4—Acts.

## CHAPTER 10.

**AN ACT** to provide for the establishment of Hospitals by cities and towns.

**SECTION 1.** *Be it enacted by the General Assembly of Commissioners of the State of Tennessee,* That when the council of any city or town not created and organized under chapter 114 of the Acts of the General Assembly of Tennessee for the year 1883, enters upon and takes possession of grounds purchased, appropriated or otherwise obtained for hospital purposes, and by resolution or ordinance determine to erect thereon or rebuild a hospital, the erection and repair thereof, or any addition thereto, and the management, direction and control of the same shall be vested in a board of five commissioners, called the board of hospital commissioners.

**SEC. 2.** The board shall consist of the mayor, who shall by virtue of his office be its president, and four trustees to be appointed by the mayor with the consent of the council, each of which commissioners shall be a resident freehold elector of the corporation ; and they shall not receive any compensation for their services.

**SEC. 3.** The term of office of the appointed members of the board shall be four years, but the members first appointed shall hold their offices respectively as shall be determined by lot at the first meeting of the board, for the period of one, two, three and four years, and thereafter one member shall be appointed each year for the full term of four years, and a majority of the board shall constitute a quorum.

**SEC. 4.** The board shall have power to appoint a clerk, an architect, a superintendent and other necessary employes, fix their compensation, and adopt a suitable plan for such hospital, and make all contracts for the erection and furnishing of the same ; but the salary of the appointees, and the plan of the hospital, before any contract for its erection is entered into, shall be submitted to, and approved by, the council.

**SEC. 5.** The board shall hold regular meetings at such time and place as may be agreed upon, and cause to be kept a full record of its proceedings ; and no contract

**Appointees and plans.**

**Meetings.**

which it enters into shall be valid until assented to at a regular meeting, and concurred in by a majority of all the members, and such assent entered on the minutes of its proceedings.

SEC. 6. No money shall be paid for the erection, re-building or repair of a hospital, or for an addition thereto, or for supplies therefor, unless first authorized by the board, and upon the warrant of the proper officer of the corporation; and no member of the board shall be interested, directly or indirectly, in contracts concerning the institution. Expenditures.

SEC. 7. It shall be the duty of the board before entering into any contract for the erection of a hospital building to cause plans, specifications, detailed drawings, and forms of bids to be prepared; and when adopted by the board it may at its discretion cause the plans and drawings to be lithographed and the specifications and forms of bids and a form of contract and bond to be prepared by the attorney of the corporation, and have the same printed for distribution among the bidders. Bids invited.

SEC. 8. All contracts shall be made in the name of the corporation, and it shall be stipulated therein that the contractors will not execute any extra work, or make any modifications or alterations mentioned in the specifications and plans, unless ordered in writing by the board. They will not claim any pay for the same unless such written order is given and the extra price of compensation fixed and agreed upon; and copies of the plans and drawings attested by the contractors, and the original bids, specifications and contracts shall be deposited in the office of the clerk or auditor of the corporation. Contracts and extras.

SEC. 9. The board shall not enter into any contract for work or materials except as relates to procuring bids. Advertising for bids. plans, drawing, specifications and forms of bids, without first causing thirty days' notice to be given, in one or more newspapers of general circulation in the corporation that sealed proposals will be received for doing the work or furnishing the material.

SEC. 10. Each bid shall be accompanied with a bond signed by sufficient sureties for the acceptance of the contract, if awarded by the board, to fully secure any difference between the amount of such bid and the next highest bid, and such amounts shall be collected by the board and paid into the hospital funds in case of re-

fusal by the bidder to enter into contract according to his bid within such reasonable time as the board may determine.

**Bids sealed.**

SEC. 11. All bids shall be enclosed in a sealed envelope and deposited with the clerk of the board, and such sealed envelopes shall have endorsed thereon the nature of the same, and all bids shall be opened at a regular meeting of the board.

**Contract, how made.**

SEC. 12. The board shall enter into contract with the lowest responsible bidder upon his giving bond to the corporation with such security as the corporation shall approve; that he will perform the work and furnish materials in accordance with his contract, and on failure of such bidder within a reasonable time, to be fixed by the board, to enter into bond with the surety before provided, a contract may be made with the next lowest responsible bidder, and so on until a contract is effected by a contractor giving bond as aforesaid, provided the board may reject any and all bids.

**Board have full control.**

SEC. 13. The board shall have the entire management and control of such hospital when the same has been completed and ready for use, and of the furnishing thereof, subject to the ordinances of the council, and shall establish such rules for its government and the admission of persons to its privileges as it may deem expedient, and it shall also have power to employ a superintendent, steward, physician, nurses, and such other employes as it may deem necessary, and fix the compensation of all persons so employed, which compensation shall be subject to the approval of the council.

**Council may agree with charitable institution.**

SEC. 14. The council may enter into an agreement with a corporation or association, organized for charitable purposes in such municipal corporation for erection or management, or both, of the hospital for the sick and disabled, or in addition for a permanent interest therein to such extent, and upon such terms and conditions as may be agreed upon between the council and such corporation or association; and the council shall provide for the payment of the amount agreed upon, for any interest so acquired, either in one payment or installments, or so much from year to year, as the parties may stipulate.

SEC. 15. The term council used in this Acts shall be held to mean the corporate authorities of any city or town by whatever name designated.

SEC. 16. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 18, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 11.

AN ACT to amend the law relative to taking depositions by Notaries Public, as found in sections 2463 and 2464 of Milliken & Vertrees' Code of Tennessee, as contained in sections 1802a and 1802b of the Thompson & Steger Code, by extending the power to Notaries Public of other States.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the law of Notaries Public, as found in chapter 4, article 3, sections 2463 and 2464 of Milliken & Vertrees' Code, as contained in sections 1802a 1802b of Thompson & Steger's Code, be amended by adding: "Notaries Public, duly and lawfully commissioned by the proper authorities of other States than Tennessee, empowered by law of such State or States to take depositions, are hereby authorized to take depositions to be used in the courts of this State upon the same terms that are provided for the taking of depositions by other officials in such States."

SEC. 2. *Be it further enacted*, The certificate of said Notary Public shall show the date of the commencement and expiration of the commission under which he may be acting.

SEC. 3. *Be it further enacted*, This Act shall take effect from and after its passage, the public welfare requiring it.

Passed February 12, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 16, 1885:

WM. B. BATE,  
*Governor.*

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## CHAPTER 12.

AN ACT to change the time of holding the Circuit and Chancery Courts in the counties of Fentress, Pickett and Cumberland, and the Circuit Court in the county of Overton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, the circuit and chancery courts for the county of Fentress shall begin on the first Mondays of April, August and December; that the circuit and chancery courts for the county of Pickett shall begin on the second Mondays of April, August and December; that the circuit court for the county of Overton shall begin on the third Mondays of April, August and December, and that the circuit and chancery courts for the county of Cumberland shall begin on the fourth Mondays of April, August and December, and that all process issuing from said courts be made returnable accordingly.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 13, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 18, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 13.

AN ACT to change the line between Decatur and Henderson counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county lines between Decatur and Henderson counties be and the same are hereby so changed as to be as follows: Beginning where the county line crosses the north boundary line of J. C. P. Myracle's home tract of land, known as Cox land, running west continuously with said lines to its northwest corner; thence south to its southwest corner; thence east to where the county line crosses the south boundary line of the before mentioned land so as to include all of the said J. C. P. Myracle's home tract of land in Decatur county.

Passed February 16, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 18, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 14.

**AN ACT** to amend an Act entitled "An Act to empower municipal corporations and taxing districts to compromise and fund their indebtedness, issue bonds for the amounts so funded, and to provide means for the payment of the same as compromised, the same being chapter 170 of the Acts of 1883, and to extend the provisions of said Act to the 1st day of July, 1885.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 17 of chapter 170 of the Acts of 1883 be and the same is hereby repealed.

Holders must  
fund by July  
1, 1885.

**SEC. 2.** *Be it further enacted,* That the following be and is hereby substituted in lieu and stead of said section 17, viz.: "That the holders of any part of the debt of any municipality or taxing district to which this Act may apply who do not fund their indebtedness or comply with the provisions of this Act, on or before the first day of July, 1885, shall not be entitled to any of its benefits. The power to adjust and compromise the said debt must be exercised on or before the said first day of July, 1885, and on that date the authority to compromise and fund said debt shall cease, and such municipality or taxing district shall have no power thereafter to issue the bonds therein provided for.

**SEC. 3.** *Be it further enacted,* That said Act of 1883, chapter 170, be and the same is hereby re-enacted throughout except in so far as the same is hereby repealed or modified.

Auditing  
board.

Compensation.

**SEC. 4.** *Be it further enacted,* That the auditing board provided for by said section four of said Act shall be constituted and organized as therein provided—that is to say, it shall consist of the mayor, president, or chief executive officer of the municipality or district, of the attorney of the municipality or district, and of a third person, of legal knowledge, probity and capacity, to be appointed by the Legislative council of the municipality or district. The secretary of the local government shall be *ex officio* secretary of said board. They shall each take oath, give bond and perform the duties as provided in said section 4 and other sections of said Act. The said secretary as compensation for his entire services under this extension and re-enactment of said Act, shall receive the sum of \$750, the chairman of the board shall receive \$500 and the other members \$250 each for their entire

services under the said extension and re-enactment of said Act.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 16, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 20, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 15.

AN ACT for the benefit and protection of orphan, helpless or abandoned children.

WHEREAS, Certain kind hearted and public-spirited men of this State have organized and incorporated under existing laws a corporation, not for personal gain, but for the public good, under the name and style of the Randal Cole Industrial School, the object and purpose of said corporation being to receive, care for and promote the welfare of children, who would otherwise probably become lewd, base or criminal, and hurtful to the best interest of society, and a heavy charge to the State ; and,

WHEREAS, By the liberality of a private citizen, said institution has already received as a gift a valuable tract of land and improvements, near the city of Nashville ; and,

WHEREAS, It appears that the general welfare will be promoted by the encouragement of the objects of said institution ; therefore,

Who may be admitted.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any judge or chairman of a county court in this State may cause to be brought before the court any child between the age of six and sixteen years that comes within any of the following descriptions, to-wit :

1. That is begging to receive alms, whether openly or under pretense of selling or offering for sale anything, but not when the selling is *bona fide*, and not a pretense or cover for begging or receiving alms.
2. That is in any public street or place for the purpose of begging or receiving alms.
3. That is found wandering, and not having any home or settled place of abode.
4. That has no proper or sufficient guardianship to care for its physical, moral and mental welfare, to at least such a degree as will probably save the child from pauperism, lewdness and crime.
5. That is without means of subsistence or support, and whose habits tend to pauperism.
6. That is found destitute, either being an orphan or having a parent or parents undergoing imprisonment, or confined in a lunatic asylum, or where both parents are habitual drunkards, or where the only living parent is a habitual drunkard, or where one parent is a habitual drunkard, and any child of such parent is not properly supported and controlled.
7. That frequents the company of reputed thieves or of lewd, wanton or lascivious persons in speech or behavior, or notorious resorts of bad character.
8. That is found wandering in streets, alleys or public places with no means of support.
9. That belongs to that class of children called "rag pickers."
10. That has been abandoned in any way by parent or parents or guardian, and has no means of support, and with idle habits.
11. And if it shall appear to the satisfaction of the said county court that it would be manifestly for the interest of said child that it be committed to said industrial school, the court will so order, and send the child to said school, to be held by it under the charter and by laws of said school.
12. Whenever any child under sixteen years of age shall have been legally tried and convicted of any crime punishable by imprisonment before any court of the State, the court may, if it appear that the interests of the

When com-  
mitted.

Juvenile crim-  
inals.

child would probably be thereby promoted, commute the sentence to commitment for the same period of time to said industrial school; said child to be held under the by-laws and authorities of said school. And children committed under this section may, in the discretion of the board, be kept separate from all others committed.

13. Said industrial school may receive any child placed in its care and keeping, by its parent or parents, without the authority of any court; and said school may keep and care for said child until it is twenty-one years of age, unless sooner taken away by the request of its parent or parents and released under the authority and by-laws of said school. Children kept  
for parents.

14. The parent or parents may, and guardians other than parents, must invoke the authority of the county court when they desire to commit any child to said school on the ground that said parent or parents or guardian, or those having the child in charge, are unable to control the child; and this is hereby made a ground for committing a child to said school; *provided*, it appears to the satisfaction of the court or officer before whom said child is brought for commitment, that the commitment would probably be for the child's interest and welfare. But said industrial school shall not receive any child under this or the preceding sub-section until its parent or parents or guardians, or persons having the child in charge, shall satisfactorily agree with the officers of said school to supply sufficient funds for the maintenance of the child therein during its stay, and shall further agree to abide by all the rules, by-laws and requirements of said industrial school. Unruly chil-  
dren commit-  
ted.  
Parents to pay  
expenses.

SEC. 2. *Be it further enacted*, That no child shall be committed to said school, or received or retained therein on any ground other than the one single ground that the interest and welfare of the child will be thereby probably promoted. Interest of  
child pro-  
moted.

SEC. 3. *Be it further enacted*, That from the time of the lawful reception of any child into said school, and during its stay therein the school shall have the exclusive care, custody and control of said child, until it shall be discharged therefrom.

SEC. 4. *Be it further enacted*, That no child under six or over sixteen years of age, in case of females, and under six and over eighteen, in case of males, shall be committed to said school. Ages admitted

SEC. 5. *Be it further enacted*, That whenever any child shall be committed to said school as aforesaid, ex- Term of com-  
mitment.

cept in the cases provided in sub-section 12 of section 1, the effect of that commitment shall be to commit the child until he or she is twenty-one years of age, unless sooner discharged by the officers of said school, pursuant to its by-laws, who shall have authority to sooner discharge any child from the school whenever in their judgment it shall be for the interest of the child so to do.

All properly  
sent must be  
received.

Instruction.

*Be it further enacted,* That the officers and managers of said school shall receive and take into it all children committed thereto by competent authority as aforesaid, and shall cause all children in such school to be instructed in such branches of useful knowledge as may be suited to their years and capacities; and shall cause the girls to be especially taught domestic vocations, such as sewing, mending, knitting, and housekeeping in all its departments. The boys shall be taught such useful trades as the board may direct; and all children in said school shall be taught according to the course of the common public schools in this State.

Power to bind  
or apprentice.

Adoption.

Proviso.

*Be it further enacted,* That the officers of said school shall have the same powers to bind out or apprentice any child committed to it by the authority of any of the aforesaid officers, as the county courts of this State now have under existing laws. And the officers of said school shall have the further power to give away to any suitable person for adoption any child so committed to it during its minority, as the several county courts of this State may now do. But no child shall be bound out, apprenticed, or given away for adoption, except by resolution of the board of directors of said school, which shall state the name, age and the sex of the child, and to whom and for what purpose it was bound out, apprenticed or given in adoption, and shall show when the resolution was passed. These specifications on the record are intended for the benefit of the child, and the omission of any or all of them shall in no event operate to the child's injury. Said resolution shall be recorded in a well bound book, to be carefully preserved.

*Be it further enacted,* That any commitment under the provisions of this Act shall be full, sufficient and competent authority to the officers and agents of said school for the detention and keeping of any child therein.

Expenses of  
school, how  
paid.

*Be it further enacted,* That the expenses of said school shall be paid as follows, to wit: At the end of each fiscal year the officers of said school shall make a statement of the financial condition of said school,

which shall specially show how much the running expenses of the school have exceeded its income, and this excess shall be paid by the several counties in the State that had a child or children in said school for any part of said fiscal year, each county to pay so much *per capita* according to the number of children from that county in the school, and the length of time that they were there, and of all these particulars strict, accurate and systematic accounts shall be kept by the officer of said school. And when the *pro rata* of any county shall be thus ascertained and a statement of the same shall have been brought to the notice of the county judge, chairman of the county court or financial agent of any such county, it shall be his duty forthwith to draw his warrant on the county trustee of his county for the payment of the same out of funds appropriated for said purpose by the county court. *Provided*, that no county shall be liable to pay at a greater rate than fifty dollars *per capita* per annum for each child it had in the school.

SEC. 10. *Be it further enacted*, That the Governor, <sup>Board of visitors.</sup> Comptroller and Secretary of State shall constitute a board of visitors, who shall have power and whose duty it shall be to visit said school as a body, or individually, from time to time, and at least once a year, and inquire into and observe its workings. The times and occasions of their visits shall not be previously indicated to the officers of said school.

SEC. 11. *Be it further enacted*, That any member of <sup>Visits of deputies.</sup> said board of visitors shall have power and it shall be his duty to exercise it from time to time and at least once a year to deputise any suitable person or persons, men or women, or both, to visit said institution and inquire into and observe its management and workings and report the same to the board of visitors. The times and occasions of the visits of said deputies shall not be previously made known to the officers or managers of said school.

SEC. 12. *Be it further enacted*, That the children of <sup>Colors and sexes separate.</sup> the white and colored races which may be committed to said school shall be kept entirely separate and apart from each other in every way, and they shall not be associated together on any pretense whatever, and the sexes shall have separate apartments.

SEC. 13. *Be it further enacted*, That any child who shall have been conditionally released from said school, if said condition shall be breached, may be returned thereto and again taken charge of by the officers and managers of said school under the original commitment <sup>Release forfeited by violation of conditions.</sup>

until the child is twenty-one years of age, in the same manner and to the same extent as if there had been no release in the case.

*Quota of each county.*

SEC. 14. *Be it further enacted,* That each county in this State in proportion to its population shall be entitled to the benefit of said school, and the officers of said school shall, from time to time, as vacancies occur, notify the county court of each county of the number of places in said school to which it is entitled; and if any county shall, for thirty days after said notice, fail to avail itself of its right to send children to said school, then the officers may receive children sent from any other county to fill the vacancies.

SEC. 15. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 17, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February, 20, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 16.

AN ACT to amend sections 4657 and 4658 of the Code of Tennessee.  
(M. and V., sections 5411 and 5412.)

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 4657 of the Code (M. and V., section 5411) be so amended as to strike out the word "maliciously" and insert the words "wantonly knowingly."

SEC. 2. *Be it further enacted,* That section 4658 of the Code (M. and V., section 5412) be so amended as to

strike out the words "and maliciously" and insert the words "wantonly and knowingly."

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 17, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 25, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 17.

AN ACT to repeal section two of Chapter 123 of the Acts of the General Assembly of the State of Tennessee, passed March 23, 1883, and approved March 27, 1883, authorizing additional compensation to Receivers and Back-tax Collectors for Legal Service in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section two (2) of chapter 123 of the Acts of the General Assembly of the State of Tennessee, passed March 23, 1883, and approved March 27, 1883, authorizing additional compensation to receivers and back-tax collectors for legal services in certain cases, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 23, 1885.

WM. B. BATE,

*Governor.* Digitized by Google

## CHAPTER 18.

**AN ACT to authorize Campbell county to issue bonds for the purpose of building and furnishing its court-house.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county of Campbell, through its quarterly county court, be and the same is hereby authorized and empowered to issue coupon bonds of the county for the purpose of erecting and furnishing the court-house of the county, and meeting any outstanding indebtedness on account of such building, not exceeding the sum of twelve thousand dollars, bearing interest at the rate of not more than six per cent. per annum, said interest payable annually; the bonds therein provided for, to be payable ten years from the date thereof, but may be redeemed at any time after three years by order of the said quarterly county court.

**SEC. 2.** *Be it further enacted,* That said bonds shall be signed by the chairman of the county court and countersigned by the county court clerk with his official seal affixed to the same, and may be in the denomination of ten, twenty-five, fifty and one hundred dollars, and each denomination shall be numbered in the order of issuance beginning with "one."

**SEC. 3.** *Be it further enacted,* That each of said bonds shall have attached to it ten coupons showing the amount of each annual installment of interest on said bond, and when the same shall fall due, which coupons shall be signed in the same manner as the bonds, but without the official seal of the clerk, and showing on their face the number and denomination of the bond to which they are attached. The coupons herein provided for shall become due annually, and when due shall be receivable in payment of any county taxes, except the sinking fund tax, hereinafter provided for; and when so received, or paid off by the Trustee or Tax Collector shall be by him cancelled, by stamping or writing on the face thereof the date received or paid, and held by him as his voucher for the payment on his settlement, with the chairman of the county court, who will preserve said coupons as a part of the records of his office.

**SEC. 4.** *Be it further enacted,* That it shall be the duty of the quarterly county court of said county, annu-

Authority to issue.

Signatures and seal; denomi-nation.

Coupons.

Sinking fund tax.

ally to levy a tax on the taxable property and polls of said county for the purpose of paying the annual interest on said bonds, and also for the purpose of creating a sinking fund for the redemption of the bonds herein authorized, when they fall due, or are called in or redeemed as hereinafter provided, and to enable the county court to know what amount of tax to levy for these purposes, the chairman of the county court shall keep in a well-bound book a record of the number and denomination of all bonds issued, to whom issued, and also of all bonds and coupons redeemed or paid.

*SEC. 5. Be it further enacted,* That the trustee or tax collector shall collect and account for the tax herein authorized, the same as he is required by law to collect and account for other taxes, and shall receive the same compensation as for collecting other county tax, and the county court may, when it thinks proper, require such Trustee or tax collector to give an additional bond for the performance of his duties in collecting and accounting for said funds.

*SEC. 6. Be it further enacted,* That before the expiration of the three years from the issuance of said bonds, the trustee or tax collector may redeem any of said bonds presented for redemption out of any money that may be in his hands derived from said sinking fund tax; or may receive said bonds in payment of said sinking fund tax; and after the expiration of said three years, it shall be the duty of the trustee to call for such an amount of said bonds, as the sinking fund in his hands will redeem, calling for them by number, commencing with the lowest number and redeeming them in the order in which they were issued, of such as are outstanding, and for this purpose he shall have access to the chairman's book, in which said bonds are numbered.

*SEC. 7. Be it further enacted,* That the call as provided in sec. 6 of this Act shall be made on order of the chairman of the county court, by public advertisement posted at the court house door of said county for thirty days, or by publishing the same in any newspaper published in said county, setting out the number and denomination of said bonds so called for, and such bonds not being presented for payment at the expiration of the said thirty days, the interest thereon shall cease from that date, and the coupons not due thereon, shall not thereafter be received for taxes nor be paid, but shall become void; and should the bonds so called for be withheld, then shall the Trustee in like manner call for other

Bonds can-  
celled.

bonds, in regular order until the amount required be presented for redemption; and when any such bonds are redeemed as herein set out the trustee or tax collector shall, upon settlement with the chairman of the county court, have credit therefor on account of sinking fund tax, and after they have been entered upon the chairman's book, as aforesaid, said bonds shall be defaced by stamping or writing across the face of the same the date when they were accounted for on settlement, and the same filed away with the coupons thereon, and theretofore redeemed as part of the records of said chairman's office.

**SEC. 8. *Be it further enacted,*** That none of the bonds herein provided for shall be sold for less than their par value.

**SEC. 9. *Be it further enacted,*** That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 23, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 19.

**AN ACT** to define the offense of breaking into railroad cars, barns and stables, with intent to steal or commit a felony, and to punish the same.

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That whoever shall break and enter into any freight or passenger car, either in the day time or night time, within this State, with intent to

steal therefrom anything of value, or to commit a felony of any kind, or whoever shall break and enter any barn or stable by day or night with a like intent, shall be guilty of burglary, and on conviction thereof shall be imprisoned in the penitentiary not less than three, or more than ten years.

SEC. 2. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed February 19, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 23, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 20.

AN ACT to authorize all railroads in Tennessee to adopt any desired gauges, and to alter the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any and all railroads now existing or hereafter to exist, located wholly or partly in the State of Tennessee, may adopt such gauge or gauges as their respective authorities may chose, and may alter the same at pleasure.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 21, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 23, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 21.

AN ACT to continue the lien of judgments and decrees of chancery courts when appealed to the supreme court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act judgments and decrees of courts of equity in this State, when appealed to the supreme court, shall, notwithstanding said appeal, be a lien upon the property of the defendant or defendants, to the same extent and in like manner as judgments at law in courts of record.

SEC. 2. This Act take effect from its passage, the public welfare requiring it.

Passed February 25, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 3, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 22.

**AN ACT** to change the time of holding the chancery court of Rhea county by amending an Act passed March 6, 1883, entitled "An Act to change the time of holding the chancery courts in the third chancery division, and of holding the circuit courts in the fourth judicial circuit of this State," etc.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 1 of chapter XXXIV of an Act passed March 6, 1883, entitled "an Act to change the time of holding the chancery courts in the third chancery division, and of holding the circuit courts in the fourth judicial circuit in this State," etc., be so amended as to change the time of holding the chancery court for Rhea county from the first Mondays of April and October to the first Thursday after the fourth Mondays of March and September.

**SEE. 2.** *Be it further enacted,* That all process, which is now or hereafter may be made returnable to any other time than that fixed by this Act, shall be transferred to the time fixed by this Act, and shall have as full force and effect as though no change of time had been made, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed February 25, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 23.

AN ACT to limit the assessment of taxes where the assessments have been omitted.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act of the General Assembly being chapter 181 of the Acts of 1883 (Milliken & Vertrees' code, section 663, *et seq.*) be so amended as to add after the words "previous year or," and before the word "year," in section 663, the word "three."

SEC. 2. *Be it further enacted,* That section 664 be so amended as to add thereto the words, "provided that no taxes on property for more than three years back shall be assessed and collected where they have not been assessed and not paid in consequence of the errors or omissions of former collectors or assessors."

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 9, 1885.

WM. B. BATE,  
*Governor.*

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1899  
11

## CHAPTER 24.

### AN ACT to Regulate the Time of Collection of Taxes.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That all State, county, school, railroad and municipal taxes assessed on property, and all State, county, or municipal privilege taxes, and all poll taxes that hereafter fall due shall be barred, and any lien for such taxes be cancelled and extinguished, unless the same are collected or suits for the collection shall have been instituted within six years from the 1st of January of the year for which such taxes accrued.*

*SEC. 2. Be it further enacted, That it shall be the duty of the court, in which proceeding, concerning the collection of taxes, may be brought where the same shall be barred under the provision of the first section of this Act, when this statute is pleaded and the truth of the plea appears to the satisfaction of the court, to dismiss the cause, and order that the officer having the respective tax books in charge, enter thereon opposite the name of the tax payer a memorandum of the judgment of the court.*

*SEC. 3. Be it further enacted, That this Act take effect from and after its passage, the public welfare requiring it.*

Passed February 26, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 4, 1885.

W.M. B. BATE,  
*Governor.*

## CHAPTER 25.

**AN ACT** to incorporate the town of Johnson City, in the county of Washington, provide for an election of officers, prescribe their duties, and for other purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Johnson City, in the county of Washington, and the inhabitants thereof, be, and are hereby constituted a body politic and corporate under and by the style and name of the mayor and aldermen of the town of Johnson City, and shall have perpetual succession by their corporate name; may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Name and  
style of corpor-  
ation.

Powers.

**SEC. 2.** *Be it further enacted,* That the corporation aforesaid shall have full power and authority to enact and pass such laws and by-laws to prevent and remove nuisances to provide for licensing and regulating auctions, taxing, regulating or restraining theatrical or other public amusements and shows within the bounds of the corporation ; to restrain and prohibit gambling ; to regulate the sale of spirituous liquors ; to establish night watches and patrols ; to ascertain when necessary the boundary and location of streets, lanes and alleys, with the consent of the proprietors of the lots and houses adjoining such streets, lanes or alleys ; to have and keep in repair the streets ; to pass all laws necessary for the same ; to establish the necessary inspections within the town ; to enact and regulate markets, drays and personal privileges ; to provide for the establishment and regulation of a fire company, the sweeping of chimneys and safe condition of flues ; to provide water by the digging of wells or otherwise ; to enact and regulate pumps, pipes and sewers ; to impose and appropriate fines, penalties and forfeitures for a breach of the by-laws or ordinances ; to appoint a recorder ; to levy and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry the interest and meaning of this Act into effect: *provided*, they are not

incompatible with the Constitution and laws of this State.

SEC. 3. *Be it further enacted,* That the sheriff of Washington county, after ten days' previous notice, shall, by himself or one of his deputies, hold an election in the town of Johnson City on the fourth Wednesday in March, one thousand eight hundred and eighty-five, and on the same day of each and every succeeding year, for the purpose of electing five persons to serve as aldermen and one person for mayor, one other person for town constable, and one other person for county magistrate for the corporation of said town of Johnson City for one year, except as to magistrate who shall serve for six years, commencing the fourth Wednesday in March, 1885, the day of their election; and all persons living within the limits of said corporation who would be qualified to vote for members of the General Assembly of this State, and persons owning a freehold within the bounds of said corporation, and otherwise entitled to vote, shall be entitled to vote for mayor and aldermen, town constable and magistrate for said corporation; and no person shall be eligible for the office of mayor, alderman, town constable or magistrate unless he be a citizen or freeholder, or householder in the town of Vacancies. Johnson City; and in case of death, removal or resignation of any one of the officers of said corporation, the mayor and aldermen shall have power to fill such vacancy for the time unexpired, except as to magistrate, who shall be elected by the qualified voters.

SEC. 4. *Be it further enacted,* That the several persons so qualified as aforesaid, having the highest number of votes at any election held, shall be taken as duly elected, and the sheriff, or his deputy, holding the election as aforesaid, shall, within three days thereafter, give to each of the five aldermen, mayor, constable and magistrate a certificate of their election; and it shall be the duty of the persons so elected to meet at the town hall in John- Organization. son City on the next day after their election, and after having been qualified the mayor and aldermen, three of whom shall constitute a quorum, shall proceed to elect a recorder for said corporation for the same time for which the mayor and aldermen were elected, as aforesaid; and the person or persons appointed or elected by them shall serve until the fourth Wednesday in March succeeding, or until their successor is elected and qualified.

SEC. 5. *Be it further enacted,* That the mayor and aldermen of said town shall, before entering upon the Oath of office.

duties of their office, take an oath before some justice of the peace of Washington county, to faithfully, uprightly and honestly demean themselves as mayor and aldermen of said corporation during their continuance in office.

*SEC. 6. Be it further enacted,* That the constable so elected shall continue in office for twelve months from the time of his election, and before entering upon the duties of his office, give bond sufficient security in the sum of five hundred dollars to be approved by the county court for the faithful discharge of the duties of his office, and accounting for all moneys by him collected, and corporation taxes.

Term and  
bond of con-  
stable.

Judgment for  
taxes.

Tax sales.

List of delin-  
quencies.

*SEC. 7. Be it further enacted,* That when any tax or duty shall be imposed upon any real property lying within the bounds of said corporation, and not paid by the owner or occupant of the same, and there shall not be any personal property of the owner of said lot or real estate, within the bounds of said corporation upon which the same could be levied, then it shall be the duty of the recorder to certify the same to the circuit court of Washington county at the same term to which the sheriff of said county is required to report lands in this county on which the State and county tax have not been paid, and upon said report, at said time, it shall be the duty of said circuit court to enter up a judgment for the tax due said corporation in the same manner that judgments are required to be returned for the non-payment of the tax due the State and county upon lands lying within the county; and the same shall be sold at the same time and in the same manner, subject to the same rules and regulations and restrictions that are by law required for the sale of land lying within said county on which the State and county tax have not been paid, which tax, when collected by the sheriff, shall be paid by him into the hands of the town constable for the use of said corporation, which sale, when in the manner aforesaid made, shall vest the same right and title in the purchaser as if the sale had been made for the taxes due the State. And it shall be the duty of the recorder, on

the first Monday in November of each year, to make out and certify to the constable of said corporation of Johnson City a complete alphabetical list of persons within said corporation who have failed to pay any taxes, and the amount thereof which has been assessed against them, or when said recorder has reason to believe that any portion of the taxes assessed against any person within

said corporation may be lost by reason of removal or otherwise, he shall immediately certify the same to the constable as he is required to do, on the first Monday in November, which certificate in the hands of the constable shall have the same force and effect as an execution from a court of record based on a valid judgment of the same, and said constable may levy the same upon any personal property to be found belonging to the person owing said taxes, and advertise and sell the same as in case of other executions.

SEC. 8. *Be it further enacted,* That the sheriff of Washington county shall, previous to holding an election for mayor and aldermen, constable and magistrate for said corporation, as provided in section 3 of this Act, appoint three respectable citizens in the town of Johnson City, who shall act as judges of said election, one of whom shall act as clerk of said election. Judges of election.

SEC. 9. *Be it further enacted,* That if for any cause the sheriff shall fail or neglect to hold an election for the aforesaid officers on the fourth Monday in March, in each and every year, he may at any time thereafter open and hold an election for the aforesaid officers, by first giving ten days' notice of said election, for the balance of the unexpired time. Elections.

SEC. 10. *Be it further enacted,* That the corporate limits of said town of Johnson City shall be as follows: Beginning at the center of the East Tennessee, Virginia and Georgia railroad depot, running one-half mile each direction, forming a circle one-half mile from the said depot at all points on said circle. City limits.

SEC. 11. *Be it further enacted,* That the constable shall pay over monthly to the recorder all sums of money collected by him for said corporation; and the recorder shall render semi-annually, on the fourth Wednesday in September and the third Wednesday in March of each year, and as much oftener as the board of mayor and aldermen shall require, a full and complete statement of the finances under his control, and the recorder shall exhibit to the board semi-annually on the fourth Wednesday in September or March of each year a full and complete statement of the finances of said corporation; and he shall also within thirty days from the time of assessing the taxes of said corporation deliver to the town constable a tax list which shall be the authority of said constable for collecting the taxes therein specified, and the recorder shall preserve a copy of said tax list with Constable's settlements. Recorder's statements. Tax list.

**Moneys paid.** the papers of the corporation. No money shall be paid out except by the recorder, and in no case shall he do so except upon the order of the mayor made in pursuance of the directions of the board of aldermen. At the expiration of his term of office the recorder shall deliver to his successor all books and papers belonging to the corporation, and take his receipt for the same, and make a final settlement with the board of mayor and aldermen.

**Mayor's duties** SEC. 12. *Be it further enacted,* That it shall be the duty of the mayor to preside at all meetings of the council, to take care that all the ordinances and by-laws of town are duly and properly enforced, respected and observed within the town, to take an oath of office before he enters upon the duties of the same, and call special meetings of the board of mayor and aldermen whenever he may deem it expedient to make such suggestions and give instructions in reference to the actions of said board as in his judgment will be most conducive to the interest of the corporation ; to give orders upon the recorder of said board whenever said board shall direct the same to be done for the payment of any money that may be due from said corporation ; to employ counsel in behalf of the corporation in any case in which said corporation may be interested, when, in his judgment, the same may be necessary.

**Recorder.** SEC. 13. *Be it further enacted,* That said board of mayor and aldermen shall have power to elect a recorder for said corporation who shall not be a member of said board of mayor and aldermen, and he shall hold his office for a term of one year, or until his successor is elected and qualified.

**Duties of recorder.** SEC. 14. *Be it further enacted,* That in addition to the duties imposed upon the recorder by section 9 of this Act, he shall be invested with the full power and authority to try all offenses for violation of the ordinances and by-laws of said corporation ; and said recorder of the town of Johnson City be and is hereby invested with concurrent jurisdiction with justices of the peace in all cases of violation of the criminal laws of the State or of the ordinances or by-laws of the board of mayor and aldermen of the town of Johnson City, within the corporate limits of said town, and be entitled to the same fees now allowed to justices of the peace for like services.

**Work-house and calaboose.** SEC. 15. *Be it further enacted,* That the board of mayor and aldermen of said corporation shall have full

power and authority to erect a work-house, and lock-up or calaboose for the safe keeping of persons, and when any person or persons convicted of any violation of any by-laws or ordinances of said corporation, fails or refuses to pay or secure to be paid, the fines and costs accruing thereon, the mayor and aldermen may provide by ordinance for their confinement in said lock-up, or work-house or calaboose, and put them to work for the town, either within an enclosure or on the streets and other public works, under proper guard or secured by ball and chain, at such wages as the board may adopt by ordinance, until said fine and costs are paid.

SEC. 16. *Be it further enacted,* That the mayor and <sup>Police.</sup> board of aldermen shall have full power and authority to appoint a marshal and as many policemen as in their judgment they may deem necessary at any time to preserve the peace and quiet of the town or to enforce the ordinances of said corporation, to fix their term of office and regulate the salary of the same; said watchmen or police so appointed shall have power to execute all processes that the town marshal or constable is authorized to execute, provided that said watchmen or police shall not have authority to collect municipal taxes. Said board of mayor and aldermen to have power and authority to appoint all other officers and agents for the corporation that they may deem necessary, and provide by ordinance for the compensation of said officers or agents.

SEC. 17. *Be it further enacted,* That before entering upon their respective duties the recorder and marshal <sup>Recorder and Marshal's bonds.</sup> elected or appointed by board of mayor and alderman shall each give bond with sufficient security, to said mayor and aldermen in the sum of five hundred dollars, conditional that they shall faithfully and honestly discharge their duties, and account for all money that may come into their hands by virtue of their office.

SEC. 18. *Be it further enacted,* That board of mayor <sup>Removals.</sup> and aldermen shall have full power and authority to dismiss and remove any officer or agent appointed or elected by them, including the office of recorder or marshal, for incompetency or any violation, neglect or disregard of the duties imposed upon them by the laws and ordinances of said corporation, provided two-thirds of the board of mayor and aldermen concur in this dismissal or removal.

SEC. 19. *Be it further enacted,* That the board of

**New streets; sidewalks.** mayor and aldermen of the town of Johnson City shall have full power and authority to lay off and open new streets, lanes and alleys in said town, and extend the old ones for the convenience of the inhabitants thereof, in the manner and mode prescribed by sections 1388, 1389, 1390 and 1391 of the Code of Tennessee, and may by ordinance or otherwise require owners of business houses to place good, substantial brick or stone pavements in front of their houses.

**Riotous and suspicious persons.** SEC. 20. *Be it further enacted,* That the mayor and aldermen of Johnson City shall have power and authority by ordinance within the town to provide for the arrest and confinement, until trial, of all riotous and disorderly persons within the town by day or night, and to authorize the arrest and detention of all suspicious persons found violating any ordinance of the town, or in violation of an Act passed by the Legislature March 22, 1875, chapter CV, section 2.

**Salaries and fees.** SEC. 21. *Be it further enacted,* That no person elected to the office of alderman shall be allowed any pay for his services as such alderman. The mayor and recorder shall receive such salary as the board of aldermen may allow, not be increased or diminished during their respective terms of office. The marshal shall receive a stated salary per month, to be determined and ordered paid by the board of mayor and aldermen. The fees of the recorder, in addition to the fees allowed by law for the trial of offenses for the violation of the ordinances and by-laws of the corporation and the fees allowed for the trial of State offenses, shall be determined by ordinance passed by the board of mayor and aldermen.

**Street hands.** SEC. 22. *Be it further enacted,* That the marshal elected or appointed by the board of mayor and alderman shall have charge of work hands on the streets, keep their time and see that they do good work.

**Property of former city.** SEC. 23. *Be it further enacted,* That the mayor and aldermen of the town of Johnson City elected in accordance with the third section of this Act shall succeed to all the property real and personal, and to all unpaid fines, taxes and dues of any and all kinds, of the present Johnson City taxing district, with full power and authority to collect and reduce to possession all of said fines, taxes or dues now belonging to said taxing district; and shall assume and pay the liabilities of the present board of commissioners incurred in good faith and for the benefit of Johnson City taxing district.

SEC. 24. *Be it further enacted*, That all Acts or parts Acts repealed, of Acts contrary to and inconsistent with the provisions of this Act be and the same are hereby repealed.

SEC. 25. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed February 26, 1885.

C. R. BERRY,

*Speaker of the Senate.*

J. A. MANSON,

*Speaker of the House of Representatives.*

Approved March 3, 1885.

WM. B. BATE,

*Governor.*

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## CHAPTER 26.

AN ACT to amend the charter of the town of Springfield.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed March 2, 1854, entitled "An Act to incorporate the town of Altamont, in the county of Grundy," and for other purposes, be and the same is hereby so amended as to allow the mayor and board of aldermen of the town of Springfield to enlarge and extend the boundaries of said town so as to include what is known as "Pull Tight" within the corporate limits of said town; provided that three-fourths of the legal voters of the proposed annexation petition said board of mayor and aldermen to be so annexed.

SEC. 2. *Be it further enacted*, That said board of mayor and aldermen shall designate the boundaries of said annexation and the same shall be known and designated as the fifth ward of said town, and shall be entitled to

elect two aldermen by the qualified voters thereof, at such times and in such manner as said board of mayor and aldermen may prescribe, who shall be when elected, members of the board of mayor and aldermen of said town.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 5, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 27.

### AN ACT to aid suitors in the Supreme Court.

New bond in  
vacation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases now pending or hereafter brought by appeal or otherwise to the supreme court, the court or any judge thereof, in vacation, upon motion, where it appears by affidavit, duly made by a party to the cause, his attorney or solicitor, that the sureties in the cause upon the prosecution bond, bound for appeal, writ of error or appeal in the nature of a writ of error, are insolvent, or have died or removed from the State, may order that new and sufficient bond be given or the present bond justified by a day certain of court, of which motion the party upon whom the order is made, if a resident of the State, shall have ten days' notice, and if a non-resident, thirty days' notice, which may be served upon his attorney of record, or if said attorney be dead

or if he have no attorney of record, then notice by publication in some newspaper shall be made for thirty days, giving notice of said motion; and upon failure to comply with the order thus made, or to show cause why said order should be vacated, the court shall dismiss the said appeal, writ of error or appeal in the nature of writ of error. *Provided*, that nothing in this Act shall be so construed as to deprive the said party from taking and filing the oath prescribed for poor persons in lieu of said bond, as now prescribed by law.

**SEC. 2.** *Be it further enacted*, That where causes have been or shall hereafter be brought to the supreme court under the pauper oath, if it be made to appear to the court in term at any time before the hearing, by the testimony of disinterested persons taken before any officer authorized to take depositions, upon ten days' notice, either during the sitting of the court or in term time, that the allegation of poverty is probably untrue, the court shall dismiss the cause with costs, unless the person so dispaupered shall enter into bond with good and sufficient security conditioned and in the penalty prescribed by the court.

**SEC. 3.** *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

6—Acts.

## CHAPTER 28.

AN ACT to abolish the charter of the town of Cottage Grove in the county of Henry, in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Cottage Grove, in the county of Henry, be and the same is hereby abolished. *Provided,* that nothing in this Act contained shall be so construed as to exempt the taxable property and polls within the bounds of said corporation from the payment of any and all outstanding debts against said corporation.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 5, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 29.

AN ACT to repeal and annul the charter of the town of Sevierville in the county of Sevier, and to abolish the corporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Sevierville, in the county of Sevier, be and the same is

hereby repealed and anulled, and the corporation abolished.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 5, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 30.

AN ACT to repeal the charter of Nolensville, Williamson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sections 1, 2, 3, 4, 5 and 6 of the Acts of 1837-8, chapter 297, incorporating the town of Nolensville, Williamson county, and all laws or parts of laws amendatory thereof be and the same are hereby repealed; and all offices created and held under and by virtue of said sections of said Act are abolished. *Provided*, that this Act shall not be construed to impair the obligation of any existing liability which said corporation of Nolensville has heretofore created.

Passed March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 5, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 31.

**AN ACT** to authorize the county court of Cocke county to issue bonds to build a court-house, and to fund past indebtedness.

**Amount and rate of interest.** **SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Cocke county, a majority of the justices voting therefor, are hereby authorized to issue the bonds of the county, payable at such time and place, and in such amounts as may seem proper, at a rate of interest not exceeding six per cent. per annum, the aggregate amount of said bonds not to exceed twenty-five thousand dollars, the proceeds of said bonds to be applied to the purpose of erecting a court-house.

**Signed and sealed.** **SEC. 2.** *Be it further enacted,* Said bonds before issued shall be signed by the chairman of the county court, and countersigned by the county court clerk, with his official seal of office affixed thereto.

**Coupons.** **SEC. 3.** *Be it further enacted,* That each bond shall have attached coupons showing the amount of each annual installment, and interest on said bond, and when the same shall fall due each coupon shall be signed in the same manner as the bonds, without the official seal of the court. The coupons when due shall be receivable for taxes due the county levied under the provisions of this Act, and when so received or paid off by the revenue collector of the county, shall be by him cancelled by perforation and by stamping on the face of the same the date of such payment, to be held by him as his vouchers on his settlements.

**Register.** **SEC. 4.** That the name of the party to whom each bond is issued, with the numbers, dates and amounts, shall be entered by the clerk of the county court, as the same is issued, in a well-bound book, to be kept by him, and the revenue collector, as he pays and takes up the coupons, shall enter the date of payment and amount of coupons under its corresponding bond in said book.

**Special tax.** **SEC. 5.** *Be it further enacted,* That in order to meet the annual payments as they fall due, the county court at the time it levies taxes for other purposes in each year shall levy a special tax on all taxable property, polls and privileges in the county sufficient to pay each installment of the principal debt and interest, to be collected by the

revenue collector as other taxes, and the same when collected shall be used for the payment of said installments and interest, and none other.

SEC. 6. *Be it further enacted*, That the county court of Cocke county may fund the present indebtedness of the county, issue bonds and levy tax for payment of same, as provided in this Act.

SEC. 7. *Be it further enacted*, That the chairman and compensation. county court clerk shall be allowed such compensation for their services under this Act as the county court at its quarterly term shall allow.

SEC. 8. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 5, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 32.

### AN ACT to repeal the charter of the town of Yorkville.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act creating the corporation of Yorkville, Gibson county, Tennessee, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That all outstanding indebtedness of said corporation be paid in full by the board of mayor and aldermen.

SEC. 3. *Be it further enacted*, That after all indebtedness is paid, if there be any funds left in the hands of the treasurer, and all the property of said corporation to be sold at public outcry, after giving ten days' written notice, and proceeds of sale of said property of the corporation, together with the moneys in hands of the treasurer be and the same is turned over to the trustees of Yorkville academy for school purposes.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this Act take effect thirty days from and after its passage, the public welfare requiring it.

Passed March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 33.

AN ACT of the General Assembly of the State of Tennessee concurring in the removal of the county seat of McNairy county from Purdy to Falcon.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, Two-thirds of both branches concurring, that the Forty-fourth General Assembly of the State of Tennessee agree and consent to, and concur in the removal of the county seat of McNairy county, Tennessee, from Purdy to Falcon.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 2, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 34.

AN ACT to provide for the descent of the estates of illegitimate persons who die intestate, leaving no relatives entitled to such estates under existing laws; and to amend section 2423 of T. and S. Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the estates, both real and personal, of illegitimate persons dying intestate in this State leaving no relatives entitled by existing laws to his or her estate, shall go to such persons as would, had the intestate been legitimate, have been his or her heirs on his or her mother's side, in such way and proportions, and under the same rules as provided by existing laws of descent of real and personal estate among legitimates who have no kin on the father's side.

SEC. 2. *Be it further enacted*, That this Act shall apply to the estates of such illegitimates who shall hereafter die, and also to those who have heretofore died but whose estates have not as yet been actually paid over and delivered to the State under the laws of escheat, whether proceedings have been instituted under the laws of escheat or not; and if any such proceedings are now pending, they shall be dismissed on the payment of the fees of the Attorney-General and the costs of such pro-

Applies to estates now unsettled.

ceedings to be paid out of the proceeds of the said estates, and all property sought to be escheated by such proceedings shall be distributed in accordance with the provisions of the first section of this Act, the laws of escheat now existing notwithstanding.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 6, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 35.

### AN ACT to abolish the Bartlett Circuit Court of Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit court of Shelby county, being held at the town of Bartlett, in said county, known as the Bartlett circuit court, shall be abolished on and after the fourth Monday in September, 1885, and that all records and papers in civil and law cases in said Bartlett circuit court, shall, on the fourth Monday in September, 1885, be transferred to the circuit court of Shelby county, holden in Memphis, (now taxing district), and the causes then pending shall be heard and determined in the court to which they are transferred, and all papers and records in criminal cases in said Bartlett circuit court shall, on the fourth Monday in Septem-

Records transferred to Memphis.

er, 1885, be transferred to the criminal court of Shelby county, and the cases then pending shall be heard and determined by the court to which they are transferred.

SEC. 2. *Be it further enacted*, That all processes returnable to said Bartlett circuit court, as now provided by law, shall, on and after the fourth Monday in September, 1885, be returnable to said circuit court of Shelby county and said criminal court of Shelby county respectively to which they belong.

SEC. 3. *Be it further enacted*, That as much of an Act <sup>Act repealed.</sup> passed December 4th, 1869, entitled "an Act to organize the courts of Shelby county" as conflicting with the provisions of this Act, be and the same is hereby repealed.

Passed March 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 6, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 36.

AN ACT to repeal chapter 31 of the Acts of the General Assembly of the State of Tennessee, passed December 13, 1866, incorporating the town of Bartlett, in the county of Shelby.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed on the 13th day of December, 1866, entitled an Act to incorporate the town of Bartlett, in the county of Shelby, be and the same is hereby repealed, and the charter of the town of Bartlett is hereby annulled and abolished.

SEC. 2. *Be it further enacted*, That the mayor and other officers of said corporation of Bartlett and those holding office by virtue of said corporation, shall, within thirty days after the passage of this Act, deposit all books, records and papers belonging to their respective offices with the clerk of the county court of said county for safe keeping. And said clerk shall keep said records, books and papers as other records are kept, and said offices shall be declared vacant.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 37.

AN ACT to amend an Act styled "An Act to amend an Act to incorporate the town of Pulaski, in the county of Giles, passed February 2, 1850; and to provide for a system of public schools for said town."

*Act amended.* SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Act to amend an Act to incorporate the town of Pulaski, in the county of Giles, passed February 2, 1850, be and the same is hereby amended so as to add to the powers of said corporation, conferred by section 2 of said Act, the following powers, to wit:

*Free schools.* 1. The board of mayor and aldermen of said town shall have the power to provide for and establish a system of

free schools for all classes of children in said town, as hereinafter provided, between the ages of six and twenty-one years, and to regulate the same so as to avoid sectarian influence.

2. To levy and collect a tax for public school purposes School tax. upon all property within the town taxable under the laws of the State, and also upon all taxable polls and privileges, said tax not to exceed seventy-five cents on the hundred dollars' worth of property.

3. To elect or appoint a board of education, to consist Board of education. of three male freeholders or tax-payers of the town, who shall hold their offices for one, two and three years respectively, and after the expiration of their first term of office, their successors to be elected or appointed by the board of mayor and aldermen of said town every three years, the first election or appointment to be had as soon after the passage of this Act as may suit the convenience of the board of mayor and aldermen and thereafter on the first Tuesday in January of each year.

SEC. 2. *Be it further enacted,* That it shall be the Duties of duty of the board of education to organize by the election board. of one of their members as chairman and one as secretary and treasurer of said board, all of whom shall serve without salary, except the secretary and treasurer of said board, whose salary shall be fixed by the board of mayor and aldermen; to employ a superintendent and teachers for the public schools of said town; to elect or appoint a collector of taxes levied for school purposes, who shall be required to give bond, conditioned as the bonds given by the collectors of State and county revenue, and who shall hold his office for a term of two years unless removed for good cause, and who shall receive for his services the same rate of compensation as is allowed by law for the collection and disbursement of the State and county taxes, and whose duty it shall be to make monthly settlements with said board of education; to purchase and rent ground and buildings or erect buildings suitable for public school purposes, taking the title in the name of the board of education of the town of Pulaski and its successors in office, and to sell or exchange such real estate when deemed advisable.

SEC. 3. *Be it further enacted,* That it shall be further Records of the duty of said board of education to keep a well bound board. book in which shall be recorded all of the official acts, and which shall be open to the inspection of the voters and tax-payers of said town at all reasonable hours; to make such arrangements with the school directors of the

**County school tax.** school district of Giles county, in which said town is situated, in regard to the distribution of the State and county taxes for school purposes within the district as may be deemed equitable and right between the inhabitants of the town and of the school district outside of the town; to keep separate schools for white and colored children, and to make such other arrangements as may be necessary to carry out the objects and wants of this Act.

**Pupils from other districts.** SEC. 4. *Be it further enacted*, That the board of education may permit children living outside of the corporate limits of said town to attend said schools provided for in this bill by requiring such children, their parents, or guardians, to pay tuition to said board of education, the rates and terms of tuition to be fixed by said board, and the money so realized shall go into the school fund of the town, and when any such person living outside of said corporation shall attend or send to said school and shall own property in the corporation limits of said town and shall pay a school tax on the same to said corporation, the board of education may allow credit on the tuition account of such person to the extent of the school tax paid by such person to the corporation the same year that such person shall attend or send his child, children, or ward, to said school; but no credit shall be allowed to such person on any tuition account for school taxes paid the corporation any other year than that in which such person shall send his child, children or wards to said school, and no credit or benefit shall be allowed any such person for taxes paid in excess of such person's tuition account to said board of education.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 5, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 38.

**AN ACT** to enable the town of Pulaski, Giles county, to provide for water-works within said town.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the board of mayor and aldermen of the town of Pulaski be and are hereby authorized to provide for a system of water-works within said town, and for that purpose said board may create a fund by levying and collecting a tax, not to exceed each year one-half the tax levied for general purposes.

**SEC. 2.** *Be it further enacted,* That before said tax, as provided in section 1 of this Act, shall be levied, the said board shall submit the question of "water works" and no "water-works" to the legal voters of said town, and it shall require the consent of two thirds of the votes cast at said election to authorize the levy and collection of said tax.

**SEC. 3.** *Be it further enacted,* That the fund provided for in section 1 of this Act shall not exceed the sum of thirty-five thousand dollars.

Passed March 6, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 11, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 39.

**AN ACT** to amend chapter 114 of the Acts of 1883, entitled "An Act to provide for the creation and organization and defining the powers of municipal corporations, etc.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 9 of chapter 114 of the Acts of the General Assembly of the year 1883, be so amended that the city council shall not suspend its rules so as to take up and pass an ordinance on more than one reading at any one meeting on the same day.

**SEC. 2.** *Be it further enacted,* That sections 13 and 14 of said Act be so amended as to strike out all of section 14 and all of section 13, except the following: "That it shall be the duty of the city recorder, within two days after he shall have ascertained the result of each general or special election, as herein prescribed, to furnish his certificate to each person elected."

**SEC. 3.** *Be it further enacted,* That the second sentence of section 28 of said Act be amended so as to read "The compensation of the members of said board of public works and affairs shall be fixed by the mayor and city council prior to their election; the amount of the salaries shall be subject to such change as the mayor and city council may, from time to time, determine by city ordinance; and their salaries shall not be changed during their term of office."

**SEC. 4.** *Be it further enacted,* That section 17 of said Act be so amended as to add thereto the following subsections:

**37.** To provide for the temporary or permanent closing of wells and springs used by the public during epidemics, or when epidemics are threatened, or whenever the same are injurious to health.

**38.** To take and appropriate in the manner hereinafter provided, ground adjacent to the corporation line for water-works purposes, site for pumping station or reservoir, right of way for water-pipe to the city from pumping station or reservoir, upon payment of damages. To exercise the power conferred in this sub section, the mayor and city council shall, by ordinance, designate the grounds and instruct the city attorney to institute proceedings, provided for in section 1325 to 1348 inclusive,

*Separate meetings for each readings.*

*Certificate of election.*

*Salaries of board of works*

*Wells and Springs closed.*

*Power to take grounds for water-works purposes.*

of the Code of Tennessee, Milliken & Vertrees', 1549 to 1572 inclusive.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 40.

AN ACT to change the name of the county site of Johnson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the name of the county site of Johnson county, in this State, be and the same is hereby changed from Taylorsville to Mountain City.

SEC. 2. *Be it further enacted,* That in no case where any person has entered into bond or recognizance for their appearance at the circuit court for Johnson county to be held at Taylorsville, shall the change of the name of said county site affect the validity or legal binding effect thereof, but the same shall be as binding and have the same legal effect as if no change of name was made.

SEC. 3. *Be it further enacted,* That all process issuing from any of the courts of said county directing or commanding any person to appear at any of said courts at

Taylorsville to answer the same, shall have the same legal effect as if no change of the name of said county site had been made. That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 11, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 41.

AN ACT to abolish the charter of incorporation of the town of Kingston, and provide for the payment of its indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all laws and parts of laws creating and amending the charter of incorporation of the town of Kingston, Roane county, be and the same are hereby repealed.

SEC. 2. *Be it further enacted,* That the trustee of said Roane county be empowered and required to collect the taxes already levied for corporation purposes, and pay the same out upon the legal indebtedness of said corporation, and any balance which shall remain be applied to purposes of common schools in the sub-school district of said county embracing said incorporation.

Passed March 6, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 11, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 42.

AN ACT to be entitled an Act to repeal a portion of an Act entitled "An Act to incorporate Ward's seminary and for other purposes," passed February 3, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the Act mentioned in the caption of this Act as relates to the incorporating of the town of Hollow Rock, in the county of Carroll, and State of Tennessee, be and is hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 43.

AN ACT for the relief of the Pulaski and Elkton turnpike company, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Pulaski and Elkton turnpike company be and the same is hereby authorized

7—Acts.

and empowered to remove said toll-gate and locate the said toll-gate seven hundred and fifty yards south of where the same is now located, and at a point within one mile and twelve hundred yards of the south end of said turnpike, where the lands on both sides of said turnpike are enclosed, and that said turnpike company shall have the same right and power to demand and collect tolls from persons traveling said turnpike at said toll-gate when so removed and located, as it has now at the present location of said toll-gate; *provided*, the company shall not charge toll at said gate to persons living immediately on the old stage road within a distance of two miles of where said stage road intersects the pike near said gate, when such persons shall be going to or returning from Elkton, and shall travel the old stage road, but in case such persons travel the pike instead of the old stage road, then they will be required to pay toll at said gate the same as any other travel on said pike.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 6, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 11, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 44.

**AN ACT** to authorize municipal corporations created and organized under the Act of the General Assembly, being chapter 114 of the Acts of 1883, passed March 21, 1883, and approved March 27, 1883, to issue bonds for funding past due and maturing bonds for the erection and completion of a bridge across Cumberland river, for the building and erection of a new system of water-works, and for the construction of sewers.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the mayor and city council of any incorporated city or town in the State of Tennessee, created and organized under the Act of the General Assembly, being chapter 114 of the Act of 1883, passed March 21, 1883, and approved March 27, 1883, are hereby empowered, in their corporate capacity, to issue the bonds of the said city or town, signed by the mayor and countersigned by the comptroller, with interest coupons attached, which shall be signed by the treasurer of said city or town, to an amount not exceeding one million (\$1,000,000) dollars.

**SEC. 2.** *Be it further enacted,* That the bonds herein provided for may be executed of denominations from one hundred to one thousand dollars, and shall mature at such time, from five to twenty years, as may be fixed by corporate ordinances, bearing interest at the rate of six per cent. per annum, payable semi-annually; and said bonds and coupons may, if the mayor and city council of said city or town so elect, be made receivable for taxes due said city or town.

**SEC. 3.** *Be it further enacted,* That five hundred thousand dollars of said bonds shall be known as the funding bonds, and shall be used exclusively for the funding of past due bonds of the city, and such as mature from time to time until the whole series of said funding bonds is exhausted.

**SEC. 4.** *Be it further enacted,* That two hundred thousand dollars of said bonds shall be known as the bridge bonds, and shall be used exclusively for the building and completing a stone pier iron truss bridge across Cumberland river, within the corporate limits of said city or town.

New water-  
works bonds.

**SEC. 5. *Be it further enacted,*** That two hundred thousand dollars of said bonds shall be known as the new water works bonds, and shall be used exclusively for providing additional water facilities for said town or city, and the erection and completion and equipment of a new system of water works for said city or town, according to the plans and specifications adopted by the authorities of said city or town, provided, however, that no part or portion of the said \$200,000 for water works purposes shall be used for the purpose of constructing a new or finishing the work on any island filter already begun for the use and benefit of any such incorporated city or town as provided for by this Act.

Sewer bonds.

**SEC. 6. *Be it further enacted,*** That one hundred thousand dollars of said bonds shall be known as the sewer bonds, and shall be used exclusively for the construction of a system of sewerage, both trunk and lateral sewers, in said city or town, according to the plan adopted by the authorities of said city or town.

**SEC. 7. *Be it further enacted,*** That none of the bonds authorized by this Act shall be sold or exchanged for less than their face or par value.

**SEC. 8. *Be it further enacted,*** That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 11, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 45.

**AN ACT** for the relief of J. W. Baker and S. Watson for services rendered the State in the collection of back-taxes from the Louisville and Nashville Railroad Company.

WHEREAS, J. W. Baker and S. Watson, as the regularly appointed agents and attorneys of the Comptroller, secured the payment into the treasury in December, 1882, of the sum of thirty-six thousand six hundred and sixty-seven  $\frac{47}{100}$  dollars (\$36,667. $\frac{47}{100}$ ) by the Louisville & Nashville Railroad Company as back-taxes due from said company, for which services so rendered, the said Baker and Watson have received no compensation ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of \$3,666. $\frac{67}{100}$  is hereby appropriated for the purpose of paying said J. W. Baker and S. Watson for the above mentioned services ; and the Comptroller directed to draw his warrant in favor of said Baker and Watson for the above sum.

Passed March 9, 1885.

C. R. BERRY.  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 20, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 46.

**AN ACT** to provide for holding Chancery Court for McNairy county at Falcon, in McNairy; and to amend section 1, chapter 162 of the Acts of 1881, so as to provide for holding Chancery Court for McNairy county at Falcon.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the chancery court for McNairy county shall be held at Falcon, in McNairy county, Tennessee.

**SEC. 2.** *Be it further enacted,* That section 1, chapter 162 of the Acts of 1881, passed April 5, 1881, be amended by striking out the word "Purdy" where the same occurs in the first section of said Act, and insert the word "Falcon," so as to provide for holding the chancery court for McNairy county at Falcon at the times provided for in said Act.

**SEC. 3.** *Be it further enacted,* That all writs, subpoenas, or process of any kind whatever, issued by or from the chancery court of McNairy county, or any officer thereof, shall be made returnable at Falcon, and all "causes," "trials," "issues" or litigation of any kind whatever in the chancery court of McNairy county, be had and done at Falcon, and all matters, suits, judgments, orders, decrees and proceedings of any kind existing or pending in the chancery court of McNairy county be transferred to Falcon and be, "stand" and remain in the same plight and condition as before the passage of this Act.

**SEC. 4.** *Be it further enacted,* That all laws and parts of laws in conflict with this Act, so far as they conflict with this Act, be and the same are hereby repealed.

**SEC. 5.** *Be it further enacted,* That this Act take effect from and after its passage the public welfare requiring it.

Passed March 10, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 47.

**AN ACT** to amend the Act approved March 23, 1875, entitled an **Act** to provide for the organization of corporations.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any private corporation created for private profit, whether organized under special charter or heretofore organized, or which may be organized hereafter under either of the Acts approved March 23, 1875, or January 30, 1871, or any amendment thereto, relative to the organization of corporations, be so amended that such corporations shall be empowered upon a vote of a majority of the whole capital stock issued, assembled in any properly called or regular meeting of the stockholders voting therefor, to issue or dispose of bonds for any corporate purpose, and to make a mortgage upon its property or its property and franchises to secure the same, and upon a sale of said property, or property and its franchises thereunder, the purchaser of said franchise shall be and is constituted the corporation with all the powers, rights, duties, immunities and obligations of the original corporations, *Provided*, that nothing in this Act be so construed as to change the laws in regard to railroad and turnpike companies.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 10, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 48.

### AN ACT for the relief of C. J. Witt.

WHEREAS, C. J. Witt, tax collector of Gibson county for the years of 1874 and 1875, is entitled to credits in his accounts with the State as such collector, that have never been allowed him by the comptroller, and he has therefore been compelled to pay to the State more than was justly due by him as such collector; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the comptroller draw his warrant on the treasurer of the State in favor of and payable to said Witt for the sum of one thousand and thirty-seven and 42-100 dollars, the amount he should have been credited with, and that said warrant shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 10, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 11, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 49.

AN ACT to amend the fish law.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any person who is a citizen of this State may catch fish by means of any trap, box, basket, bait-net, any of whose meshes or openings are not less than one and one-half inches in diameter, in any stream of this State as far as navigable.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this Act be and are hereby repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 50.

AN ACT to provide for holding the circuit court of McNairy county, at Falcon, in McNairy county, Tennessee, and to amend section 1, chapter 83, of the Acts of 1881, so as to provide for holding the circuit court of McNairy county at Falcon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the circuit court of McNairy county shall be held at Falcon, in McNairy county, Tennessee.

**SEC. 2.** *Be it further enacted*, That section 1 chapter 83 of the Acts of 1881, passed the second day of April, 1881, be so amended as to strike out the word "Purdy" where the same occurs in the first section of said Act and insert the word Falcon, so as to provide for holding the circuit court of McNairy county at Falcon at the times provided for in said Act.

**SEC. 3.** *Be it further enacted*, That all writs, subpoenas or process of any kind whatever issued by or from the circuit court in McNairy county or any officer thereof shall be returnable to Falcon in said county; that all bonds, bails, recognizances, etc., shall be taken so as to conform to the provisions of this Act; that all "trials," "causes," "suits," issues or proceedings of any kind whatever existing, pending or to be hereafter brought, shall be had and done at Falcon, in McNairy county; that all judgments, suits, forfeitures, fines, penalties, bonds, recognizances or other proceedings whatever existing, being or pending in the circuit court of McNairy county, be transferred to Falcon, in McNairy county, and stand, be and remain in the same plight and condition as before the passage of this Act.

**SEC. 4.** *Be it further enacted*, That all laws or parts of laws in conflict with this Act in so much as they conflict with this Act be and the same are hereby repealed.

**SEC. 5.** *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 51.

AN ACT to repeal and abolish the charter of the town of Erin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Erin, in Houston county, be and the same is hereby repealed and abolished.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 52.

AN ACT to amend an Act entitled "An Act authorizing Municipal Corporations to fund their indebtedness upon certain conditions," passed March 26, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 26, 1881, entitled "an Act authorizing Municipal Corporations to fund their indebtedness upon certain conditions" be amended so as to read as follows :

**May issue bonds to fund indebtedness.**

That from and after the passage of this Act it shall be lawful for any municipal corporation in this State to fund by the issuance of coupon bonds in the manner and under the restrictions hereinafter provided, all or any portion of its floating or bonded indebtedness existing on the first day of January, 1885: *Provided*, no such corporation shall fund more than fifty thousand dollars of its floating indebtedness.

**Character of bonds.**

SEC. 2. *Be it further enacted*, That all bonds issued under this Act shall be of such denominations, bear such rate of interest not exceeding six per cent. per annum, and be due in such time not less than five nor more than thirty years from date, and be payable at such times and places as the corporate authorities may determine; *provided, however*, that all bonds shall bear the same interest.

**Bonds to be sold at par.**

SEC. 3. *Be it further enacted*, That the bonds provided for by this Act shall in no case be sold for less than par, and the coupons attached shall at maturity be receivable for all taxes and dues to the corporation, except the "sinking fund tax" provided for by the following section, and the "school tax."

**Sinking fund.**

SEC. 4. *Be it further enacted*, That before any bonds shall be issued hereunder, the corporation shall provide by ordinance for a sinking fund wherewith to retire the bonds by levying a special tax, same to be designated the "sinking fund tax," the tax to run with the bonds and to be collected annually and used exclusively for the purpose levied and to be sufficient with its accumulations as near as may be estimated to meet or retire the principal indebtedness by its maturity.

**Commissioners**

SEC. 5. *Be it further enacted*, That every corporation before issuing any bonds under this Act shall appoint or select by ballot three persons—citizens—who shall be known as "sinking fund commissioners," who shall hold office for three years and until their successors shall be elected, qualified, and to be so elected that the term of office of one of said commissioners shall expire in each year: *Provided*, that at the first election one commissioner shall be elected for one year, one for two years, and one for three years, and every year thereafter one shall be elected to serve for three years.

**Oath and bond**

SEC. 6. *Be it further enacted*, That said commissioners shall take an oath before any person authorized to administer oaths in judicial proceedings faithfully to discharge their duties, and shall give bond in such sum and otherwise qualify themselves and receive such compensa-

tion as the ordinance of the corporation may prescribe and provide.

SEC. 7. *Be it further enacted*, That said commissioners shall receive from the collector of taxes all sinking fund taxes and shall invest the same from time to time in the bonds of the corporation, and make settlements of their accounts in such manner and with such persons as the corporation may by ordinance direct ; *provided, however,* that whenever such bond of the city is purchased or invested in by said commissioners they shall cancel the same in the presence of the mayor and aldermen or city council in such manner as may be determined by ordinance.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 53.

AN ACT to amend section 2827 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 2827 of the Code be so amended that sheriffs or constables, having process in their hands in civil actions pending in magistrate's court or courts of record, if it shall appear to

their satisfaction that parties to be sued are about leaving the county or State, shall have the right to execute the process on Sunday.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 54.

AN ACT to change the line between the counties of Loudon and McMinn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Loudon and McMinn be so changed as to include all the lands of Sarah Etheridge in Loudon county.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 55.

AN ACT to change the line between the counties of Clay and Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Clay and Jackson be so changed as to include in Jackson county the whole of a tract of land owned by Alexander Clark and R. P. Clark.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 56.

AN ACT to change the line between the counties of Monroe and Loudon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Monroe and Loudon be and the same is hereby changed so as to include all the land of D. M. Moser in Monroe county.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 57.

**AN ACT** for the benefit of John Brown, colored, and to quit claim and convey to him a certain lot or parcel of land in the town of Columbia, Maury county, Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all the right, title, claim and interest that the State of Tennessee now has or may have and acquire by virtue of the laws of escheat in and to the following tract or parcel of land lying and being in ward No. — of the town of Columbia in Maury county, Tennessee, bounded on the north and west by Eighth and High streets, on the south by Ninth street, on the east by the property of Dillon heirs, being lots No. 119 and 120, according to the old plat of the town, and the same conveyed by J. B. Alderson to Caroline Brown, wife of John Brown, by deed, which is registered in the register's office of said county in book C, vol. 2, page 411, be and the same are hereby quit claimed and conveyed to the said John Brown, his heirs and assigns forever.

**SEC. 2.** *Be it further enacted,* That all State taxes past due and unpaid upon the lot or parcel of land de-

scribed in the first section of this Act be and the same are hereby released to said Brown.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public good requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 58.

AN ACT to amend an Act entitled "An Act to establish a recorder's court in the towns of Shelbyville, Murfreesboro, Franklin, Tullahoma, Fayetteville, Winchester and Manchester, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 2 of an Act passed December 12, 1865, entitled "An Act to establish a recorder's court in the towns of Shelbyville, Murfreesboro, Franklin, Tullahoma, Fayetteville, Winchester and Manchester, and for other purposes," be and the same is hereby so amended that persons working out the fines and costs assessed against them, shall be allowed for each day's work of ten hours, a credit on such fine and costs of one dollar when the person furnishes his own board, and a credit of sixty cents for each day's work when such person is boarded at the expense of the corporation of the town of Shelbyville.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 59.

### AN ACT to regulate judgments in replevin cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases of replevin where judgment has been rendered in the alternative under the provisions of sections 3390 of the Code (Milliken & Vertrees', section 4126), if the goods are not returned to the defendant and the writ of *fi. fa.* is returned unsatisfied in whole or in part, the defendant may have a final judgment over for — dollars and cents by motion without notice against plaintiff and his sureties in the replevin bond at the term of the court to which the *fi. fa.* shall have been returned. The proceedings of the judgment final shall be a part of the record of the original cause.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 60.

AN ACT to repeal the 6th section of an Act passed February 27, 1869, entitled an Act passed March 14, 1868, entitled an Act to change the lines between the counties of Smith, Putnam and DeKalb, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the 6th section of an Act passed February 27, 1869, entitled an Act to amend an Act passed March 14, 1868, entitled an Act to change the lines between the counties of Smith, Putnam and DeKalb, and for other purposes, be and the same is hereby repealed, and the line between the counties of Morgan and Scott be reestablished the same as before said Act was enacted.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,

*Governor.*  
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## CHAPTER 61.

AN ACT to increase the fees of sheriffs and constables.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That sheriffs and constables shall be allowed to demand and receive in addition to which is already allowed for arresting prisoners on a justice's warrant, and guarding them to the place of trial or county jail, five cents per mile for each mile travel in going and returning with prisoners, provided the prisoner is arrested out of the county in which the offense was committed.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 62.

AN ACT to protect public bridges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any persons to ride or drive over any public bridge constructed over any of the rivers and creeks in this State faster than a walk.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the 1st section of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars, nor more than fifty dollars, provided this Act shall not apply to bridges within the limits of municipal corporations or stone bridges on incorporated turnpike roads.

SEC. 3. *Be it further enacted*, That the various criminal and circuit judges in this State shall give this Act in charge to the grand jury.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 63.

AN ACT to amend section 1 chapter 240 of the Acts of 1883, being an Act entitled "an Act to authorize all Masonic lodges of Free and Accepted Masons who own real estate to the value of ten thousand dollars, to issue coupon bonds to an amount not exceeding thirty thousand dollars, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1, chapter 240, of the Acts of 1883, be and the same is hereby so amended that all Masonic lodges of Free and Accepted Masons, who hold real estate to the value of ten thousand dollars, be and they are hereby authorized and empowered to issue coupon bonds to an amount not exceeding forty thousand dollars, bearing six per cent. interest per annum, payable semi-annually, for the purpose of erecting a building or hall upon their lots.

SEC. 2. That all such lodges of Free and Accepted Masons who have heretofore been authorized to issue

bonds in accordance and with the provisions of said Act of 1883, chapter 240, or who have issued bonds in accordance with the provisions of said Act, be and they are authorized to increase the issue of their bonds to the amount of forty thousand dollars for the purposes contemplated in said Act.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 64.

AN ACT to change the line between the counties of Hawkins and Hancock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Hawkins and Hancock be so changed as to include the lands of Campbell Trent and Robert C. Tate, in Hancock county.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 65.

### AN ACT to regulate the time of Perfecting Appeals.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when an appeal or an appeal in the nature of a writ of error is prayed from a judgment or decree of an inferior court to the Supreme Court, the appeal shall be prayed for and appeal bond shall be executed or the pauper oath taken within thirty days from the judgment or decree, if the court holds so long, otherwise before the adjournment of the court, but for satisfactory reasons shown by affidavit or otherwise, and upon application made within the thirty days, the court may extend the time to give bond or take the oath in term or after adjournment of the court; but in no case more than thirty days additional.

**SEC. 2.** *Be it further enacted,* That in all cases where the appeal has not been prayed for within the time prescribed in the first section of this Act, the judgment or decree may be executed.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 27, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 66.

**AN ACT** granting certain privileges to and prescribing the duties of Telegraph and Telephone Companies, prohibiting discrimination between patrons, prescribing penalties and declaring an emergency.

**SECTION 1.** *Be it enacted by the General Assembly of Right of way. the State of Tennessee,* That any person or corporation organized by virtue of the laws of this State, or of any other State of the United States, or by virtue of the laws of the United States, for the purpose of transmitting intelligence by magnetic telegraph or telephone, or other system of transmitting intelligence the equivalent thereof, which may be hereafter invented or discovered, may construct, operate and maintain such telegraph, telephone, or other lines necessary for the speedy transmission of intelligence, along and over the public highways and streets of the cities and towns of this State, or across and under the waters, and over any lands or public works belonging to this State, and on and over the lands of private individuals, and upon, along, and parallel to any of the railroads or turnpikes of this State, and on and over the bridges, trestles, or structures of said railroads; *Provided*, that the ordinary use of such public highways, streets, works, railroads, bridges, trestles or structures and turnpikes be not thereby obstructed, or the navigation of said waters impeded, and that just damages shall be paid to the owners of such lands, railroads, and turnpikes, by reason of the occupation of said lands, railroads and turnpikes, by said telegraph or telephone corporations.

**SEC. 2.** That in the event such telegraph or telephone companies should fail, upon application to such individuals, railroads, or turnpike companies, to secure such right of way, by consent, contract or agreement, then such telegraph or telephone corporations shall have the right to proceed to procure the condemnation of such property, lands, rights, privileges, and easements, in the manner prescribed by law for taking private property for works of internal improvement.

**SEC. 3.** That when any such telegraph or telephone company shall desire to construct lines on or along the lands of individuals, or on the right of way and

structures of any railroad, or upon and along any turnpike, the said telegraph or telephone company may, by its agents, have the right to peacefully enter upon such lands, structures, or right of way, and survey, locate, and lay out its said lines thereon, being liable however for any damage that may result by reason of such act.

SEC. 4. No telegraph or telephone corporation organized by virtue of the laws of this State, or doing business in this State by virtue of the laws of any other State, or of the United States, shall have the power to contract with the owners of lands, or the rights in lands, or with any other person or corporation for the right to erect, operate, or maintain telegraph, telephone, or other lines or works for the speedy transmission of intelligence, over his or its lands, privileges, rights or easements, to the exclusion of other persons or corporations, authorized to erect and operate lines and works for the speedy transmission of intelligence. No exclusions permitted.

SEC. 5. In consideration of the right of way over the public property herein conceded, every telegraph or telephone corporation shall, in the case of war, insurrection, or civil commotion of any kind, and for the arrest of criminals, give immediate dispatch at the usual rates of charge to any message connected therewith of any officer of the State, or of the United States. State and U.S. messages.

SEC. 6. Any officer or agent of a telegraph or telephone company who fails or refuses to carry out the provisions of the preceding section, is guilty of a misdemeanor. Misdemeanor.

SEC. 7. All other messages, including those received from other telegraph or telephone companies, shall be transmitted in order of their delivery, correctly, and without unreasonable delay, and shall be strictly confidential; *provided, however,* that arrangements may be made with the publishers of newspapers for the transmission of intelligence of general and public interest. Privacy and impartiality.

SEC. 8. Any officer or agent of a telegraph or telephone company who wilfully violates either of the provisions of the preceding section, is guilty of a misdemeanor, and the telegraph or telephone company so violating is liable in damages to the party aggrieved. Damages for violations.

SEC. 9. If any person without authority intercepts a dispatch or message transmitted by telegraph or telephone, or wilfully destroys or injures any telegraph pole, wire, cable, or fixture, he is guilty of a misdemeanor.

SEC. 10. Every telegraph or telephone company doing business in this State, must, under a penalty of Discriminations prohibited.

five hundred dollars for each and every refusal so to do, transmit over its wires to localities on its lines for any individual, or corporation, or other telegraph or telephone company, such messages, dispatches or correspondence as may be tendered to it by, or to be transmitted to any individual or corporation, or other telegraph or telephone companies, at the price customarily asked and obtained for the transmission of similar messages, dispatches or correspondence without discrimination as to charges or promptness; the penalty herein prescribed shall be recoverable in any court through proper form of law, one-half of which shall go to the prosecutor and one-half to the State.

Telephone connections for all

SEC. 11. Every telephone company doing business within this State, and engaged in a general telephone business, shall supply all applicants for telephone connection and facilities without discrimination or partiality, provided such applicants comply or offer to comply with the reasonable regulations of the company, and no such company shall impose any condition or restriction upon any such applicant that are not imposed impartially upon all persons or companies in like situations, nor shall such company discriminate against any individual or company engaged in lawful business by requiring as condition for furnishing such facilities that they shall not be used in the business of the applicant or otherwise, under penalty of one hundred dollars for each day such company continues such discrimination and refuses such facilities after compliance or offer to comply with the reasonable regulations, and time to furnish the same has elapsed, to be recovered by the applicant whose application is so neglected or refused.

Railroad wires enabled.

SEC. 12. Any railroad company incorporated by the laws of, or operating lines of railroad within this State, and operating telegraph and telephone lines in connection therewith, upon filing their assent to this Act in the office of the Secretary of State of this State, shall thereby become clothed with the rights, powers and duties provided by this Act for telegraph and telephone companies, as to enable telegraph or telephone companies operated by them.

Laws repealed.

SEC. 13. *Be it further enacted*, That chapter 9 of title 8 of the Code of Tennessee of 1858, be and the same is hereby repealed. That sections 21 and 22 of chapter 53, of the Acts of 1868-69, be, and the same are hereby repealed.

SEC. 14. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 25, 1885.

WM. B. BATE,

*Governor.*

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## CHAPTER 67:

AN ACT to repeal the corporation of the town of Dancyville, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act to incorporate the inhabitants of the town of Dancyville, in Haywood county, Tennessee, passed December 16, 1837, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 25, 1885.

WM. B. BATE,

*Governor.*

## CHAPTER 68.

**AN ACT to protect the public, define the rights of carriers of passengers, and prevent and punish certain discriminations at public places of amusement and resort.**

**Equality for travelers and spectators.**

*Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for owners, proprietors, lessees, keepers, agents, employes or servants of any theaters, shows, parks, places of public resort for observation of scenery or amusement of any kind whatever, where a fee or toll is charged for entrance or admission into such places or premises, to refuse admission to any person or persons on account of the fact that such person or persons travel to and from such parks or places over a particular route, turnpike or railway, or in the vehicles, carriages or other means of conveyance of any person, firm or corporation rather than another. And it shall be the duty of all such owners, proprietors, lessees or keepers of such public places, to admit all well behaved persons thereto upon equal terms, without regard to the particular route, turnpike or railway traveled over, or the particular carriages or vehicles of any person, firm or corporation used in going to and from such places.

**Act applies to all places.**

*Be it further enacted,* That all places kept open for the public, and at which a fee or toll is charged, either at such place or for travelling over any route, turnpike or railway where the place is the inducement to such travel, shall be conclusively taken to fall within the provisions of this Act.

**Penalties.**

*Be it further enacted,* That for each and every violation of the first section of this Act, the proprietor, owner or lessee of such place or grounds, together with the keeper of gates or doors, shall forfeit not less than five nor more than fifty dollars, to be recovered by action of debt before any justice of the peace having local jurisdiction of the parties, at the suit of the individual who may be denied admission, or at the suit of the person, firm or corporation owning the carriage or other mode of conveyance in which the person denied admission may have traveled to such place or grounds, and, moreover, such owner, proprietor, lessee or keeper shall be liable for all damage done to the business of the persons, firms

or corporations who may be discriminated against in respect to the admission of their passengers into such place or places, and they may be restrained by injunction from continuing such discrimination.

SEC. 4. *Be it further enacted*, That nothing herein contained shall be construed as interfering with the existing rights to provide separate accommodations and seats for colored and white persons at such places.

SEC. 5. *Be it further enacted*, That the provisions of this Act shall be liberally construed and enforced, so as to prevent evasions and subterfuges, and to secure to the public the benefit of free and fair competition in the business of carrying passengers, and to prevent discrimination and monopoly.

SEC. 6. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 69.

AN ACT to change the line between the counties of Dickson and Houston.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Dickson and Houston be so changed as to include all the land of Joel N. Boze in the county of Houston.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 70.

AN ACT to extend the boundaries of the town of Tullahoma, in the county of Coffee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the boundaries of the corporation of the town of Tullahoma, in the county of Coffee, shall be as follows: Beginning on a Spanish oak near the bank of Rock creek (and being the southwest corner of the present corporation boundaries), and running thence southward along the present line to the east line of Franklin street; thence at a right-angle and running southward to the southwest corner of section eighty-one (81); thence at right-angles and running eastward to the east line of Jackson street; thence southward to the town site line; thence eastward along the said town site line to the west line of Washington street extension; thence along said Washington street northward

to the southeast corner of section sixty-six (66); thence at right-angles, crossing Washington street and running eastward to the southeast corner of section thirty-five (35); thence at right-angles and running along east line of said section thirty-five and northward to the southeast corner of section twenty-eight (28); thence at right-angles and running in a direct line to the south boundary line of Castleman 5,000 acre grant; thence along the said line to a rock in the Manchester dirt road; thence across the said road to a stake in the north line of the extension of Lincoln street; thence at right-angles and running eastward to Bush's southwest corner; thence at right-angles and running along Bush's west line, and passing Bush's northwest corner, to a stake eight hundred and forty (840) feet from Bush's southwest corner; thence at right-angles and running westward to the northwest corner of section twenty-six (26); thence at right-angles and crossing Moore street to the northeast corner of section twenty-five (25); and thence at right angles and along the said section twenty-five westward to the present boundary line of Tullahoma; thence at right-angles to the present northeast corner of the corporation of Tullahoma; thence at right-angles and along the present boundary line westward to the north line of Davidson's addition to Tullahoma; thence along Davidson's addition line westward to the east right of way of the N., C. & St. L. railway; thence to a stake in the line between Aydelott and Maynard in the west line of the right of way of said railway; thence along the said Aydelott and Maynard line to a stake in said line (200) two hundred feet northward from the Big Spring; thence in a direct line to a stake in the east bank of Rock creek (200) two hundred feet westward or northwestward from said Big Spring; thence down and with the meanders of the said Rock creek to the south line of the Shelbyville and Tullahoma dirt road; thence along said south line of said road to the east line of the old Winchester dirt road, near Davidson's northwest corner; thence along the said east line of said road with all its meanders, and crossing the old Fayetteville and Tullahoma pike, and continuing along the south line of said road to a stake in Powell's south boundary line; thence in a direct line to the beginning.

SEC. 2. *Be it further enacted*, That the property and polls within the territory added by this Act to the corporation of Tullahoma, shall be liable for corporation taxes for the year 1885.

SEC. 3. *Be it further enacted*, That all Acts or parts of Acts in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 71.

AN ACT to amend Section 316 of T. & S. Code, providing for the election of County Judges for the counties of Davidson, Shelby, Knox, Montgomery and Williamson, and to amend the Acts of 1875, Chapter LXX.

SECTION 1. *Be it enacted by the General Assembly of White county judge,* the State of Tennessee, That section 316 of Thompson and Steger's Code be, and the same is hereby amended so as to provide for the election by the qualified voters of White county a judge, learned in the law, and who shall be thirty years of age, to be styled the County Judge of White county, who shall hold his office for four years from the date of his commission ; said person to be a citizen of White county and of good moral character.

ELECTION. SEC. 2. *Be it further enacted*, The first election for county judge of White county shall be held at the same place and by the same officers that other county elections are held, on the first Thursday in August, 1886, and under the same rules and regulations that are prescribed by law for other county elections ; and subsequent elections (except vacancies, which shall be filled when they occur in the manner prescribed by law,) on the first Thursday in August every eight years thereafter.

**SEC. 3.** *Be it further enacted,* That the county judge <sup>Powers.</sup> of White county shall have and exercise all the rights, powers and jurisdictions that are conferred by existing laws upon the county judges of this State, and shall comply with all the requirements of and perform all the duties imposed by laws creating and regulating the powers and duties of county judges.

**SEC. 4.** *Be it further enacted,* That chapter LXX. of Acts of 1875, be so amended as to confer the powers and <sup>Chairman to judge.</sup> jurisdictions now vested in and belonging to the chairmen of the county courts of this State upon such county judges as may be appointed under this Act by the Governor or thereafter elected by the qualified voters of White county; and the office of chairman of White county court is hereby abolished from and after the first Monday in April, 1885.

**SEC. 5.** *Be it further enacted,* That the county judge of White county shall receive a salary of (\$500) five hundred dollars annually for his services, to be paid quarterly out of the county revenue collected for the years in which the services are rendered. <sup>Salary.</sup>

**SEC. 6.** *Be it further enacted,* That the present chairman of the county court of White county continue to hold the county court of said county until the first Monday in April, 1885, during which time it shall be the duty of the Governor to appoint a judge under this Act, and duly commission him to fill out the time from the first Monday in April, 1885, and the regular election in August, 1886; and this Act shall take effect from and after the 6th day of April, 1885, the public welfare requiring it.

**SEC. 7.** *Be it further enacted,* That the provisions of this Act shall also apply to Marshall county, and that a <sup>Marshall.</sup> county judge is hereby provided for Marshall county under the regulations and provisions of this Act.

Passed March 24, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 30, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 72.

AN ACT to amend an Act to incorporate the town of Dyersburg, in Dyer county, Tenn., and the various amendments thereto.

**SECTION 2.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Act incorporating the town of Dyersburg, in Dyer county, and the various amendments thereto be and the same are hereby so amended as to read as follows:

**Style.**

**Boundaries.**

The town of Dyersburg, in the county of Dyer, and the inhabitants thereof within the boundaries hereinafter specified, are hereby constituted a corporation and body politic by the following name and style, to-wit: The mayor and aldermen of Dyersburg. The boundaries of said town of Dyersburg shall be as follows: Beginning at a hickory and iron stake on the bank of the Forked Deer river in the bend above A. R. Stevens' saw-mill, the present southeast corner of the corporation; runs thence on a straight line to the northwest corner of the present fair ground lot; thence east with the north boundary of the fair ground to an iron stake—a point on a direct line south from the extreme eastern point of the new addition to the cemetery; thence due north to said extreme eastern point of the said new addition to the cemetery, an iron stake; thence with the northern boundary of the said new addition to the cemetery to the northeast corner of the old cemetery, a stake on the south side of the Trenton road; thence with the south side of said Trenton road to a point due south of E. C. Pate's southwest corner, iron stake; thence north across the Trenton road to said Pate's southwest corner, iron stake; thence north with said Pate's west boundary line to his northwest corner and continuing from thence north to an iron stake east of the northeast corner of the present corporation; thence north  $85^{\circ}$  west, passing south of T. C. Gordon's residence to a white oak tree near to and on the east side of the Troy road, being the north line of the present corporation; thence passing through the northwest corner of G. Watkins' residence (formerly W. M. Watkins') to the middle of the lane near the residence of W. J. F. Dobbs, an iron stake; thence south with said lane and passing west of the old residence of Maj. Bill Fowlkes, through the west side of his smoke-

house and continuing south to a cypress on the north bank of Forked Deer river, an iron stake; thence up the river with its meanderings to the beginning.

**SEC. 2.** *Be it further enacted,* That said corporation by such name and style shall have perpetual succession,<sup>General pow  
ers.</sup> shall sue and be sued, plead and be impleaded in all courts of law and equity and in all actions whatever; may purchase, receive and hold personal and real property within the corporation limits, and may purchase, receive and hold both real and personal property within or beyond said corporate limits, to be used for the burial of the dead, for the erection and keeping up hospital houses, quarantine houses or stations, work-houses or houses of correction and water-works, and may sell, lease or dispose of all said property for the benefit of the corporation; but the sale of property shall be done at public auction, and may do all other things touching said property as natural persons, and shall have and use a common seal, which may be changed at the pleasure of the board of mayor and aldermen.

**SEC. 3.** *Be it further enacted,* That the legislative body of the corporation shall consist of a board of seven <sup>Mayor and  
aldermen.</sup> aldermen, one of whom shall be elected and known as mayor, and all of whom shall be elected by a direct vote of the people and shall be citizens of and voters in said corporation, and shall be freeholders, and as the legislative body of the town shall be known as the mayor and aldermen of Dyersburg. A removal by the mayor or any alderman beyond the corporate limits will create a vacancy in his office.

**SEC. 4.** *Be it further enacted,* That the next election for mayor and aldermen shall be held at the court house in the town of Dyersburg on the first Thursday in January, 1886, and the mayor and aldermen elected at said time shall serve for a period of two years, and thereafter on the first Thursday in January there shall be an election held for the purpose of electing a mayor and aldermen for said town to serve for the ensuing two years, it being the intention of this Act to provide for the election of a mayor and aldermen for said town once every two years. The polls shall be opened on the day <sup>Elections; time</sup> <sup>Manner.</sup> of the election at 10 o'clock a. m., and closed at 4 o'clock p. m., of that day—said election shall be held by the sheriff of Dyer county, either in person or by deputy, assisted by two clerks and three judges, after advertising by written or printed posters for ten days, showing the time, place and purpose of the election. The clerks

and judges shall be legal voters of said corporation, the voting shall be by ballot, and the election shall be conducted in all respects as are the State and county elections, by virtue of the election laws of this State, so far as said laws may be made applicable; but the board of mayor and aldermen may, by ordinance, make any further and additional provisions that may be found necessary to properly prepare for and conduct said election.

## Judges and clerks.

The judges and clerks shall be sworn and qualified as provided by the election laws of this State, and shall perform the similar duties of judges and clerks in State and county elections, and after the votes are counted and their result ascertained the officers holding said election shall file the poll lists and other papers showing the result of said election, properly certified, with the recorder, who shall preserve them.

## Sheriff's duties.

If the sheriff fail to hold said election at the time herein mentioned, it shall be his duty to hold it as soon thereafter as may be after giving the required notice, and for failure to hold said election as prescribed by this Act, unless prevented by sickness or other unavoidable cause, the sheriff shall forfeit and pay to the said corporation the sum of fifty dollars, to be recovered by action of debt in the name of the mayor and aldermen of Dyersburg, before any justice of the peace of the county; and if there be no sheriff, or if no notices have been posted by him on the tenth day before the day of the regular election, or if notices have been posted by him, but he is not present himself or deputy on the day of said election, then, in either of said events, the coroner, or some person who may be appointed by the board of mayor and aldermen, shall perform all the duties in and about said election required of the sheriff.

## Mayor and aldermen.

SEC. 5. *Be it further enacted,* That the person receiving the highest number of votes for mayor shall be declared mayor of said corporation, and shall also be one of the aldermen; and the six persons receiving a higher number of votes each for alderman than any other person for alderman, shall be declared elected aldermen; and it shall be the duty of the officer holding said election to make out and deliver within three days, to the mayor and aldermen-elect, each, a certificate of their election.

## Last annual meeting.

On the 1st Monday after said election, the retiring board of mayor and aldermen shall hold their last meeting, or as soon thereafter as practicable, and pass all

necessary resolutions and make all such rules and regulations as may be necessary to properly turn over their trusts to the incoming board and to secure the turning over of all books, papers, monies and property in their possession or that of any of their officers, agents or appointees to the proper officers of the new administration. At said meeting the mayor and aldermen-elect, or <sup>Certificates of  
newly elected  
aldermen.</sup> so many as are present, shall present their certificates of election and be sworn in before some justice of the peace, which facts shall appear on the minutes of the retiring board, and then the term of the new board shall begin. An officer-elect not presenting his certificate at said meeting may do so at the next regular or called meeting of the new board and be sworn in, but on failure to do so, the board may declare his office vacant and proceed to fill the same.

**SEC. 6.** *Be it further enacted,* That the board of <sup>City officers.</sup> mayor and aldermen shall at their first meeting after their election or as soon thereafter as practicable elect a recorder, a treasurer and city marshal, the recorder and treasurer to be elected from among the members of the board, and one person may be elected to fill both offices of recorder and treasurer, but he shall give both a recorder's and treasurer's bond; said board may also elect at any time such other officers, agents, and servants as they may deem necessary and may provide for by ordinance, and shall have the power to prescribe their duties and regulate the performance thereof. The salary of the recorder, treasurer, city marshal and the other said <sup>Salaries.</sup> officers, agents and servants shall be fixed by the board before their election or appointment, and the board shall have the power to dismiss any one of them from office for any neglect of duty, or any other cause, two-thirds of the board concurring in such dismissal; the board shall also at one of its meetings in December of each year, fix the salaries of the mayor and aldermen for the ensuing corporate year, which shall not be changed unless two-thirds of the new board concur in said change.

**SEC. 7.** *Be it further enacted,* That a majority of the <sup>Quorum.</sup> board of mayor and aldermen shall be a quorum to do business, but no ordinance, resolution or other act of the board shall be passed or become effective unless it receives a majority of the votes of the whole board in its favor; *Provided*, however, that a smaller number than a quorum may adjourn from day to day, under a provision of an ordinance, and may compel the attendance of absent members by fines and penalties. The board shall be the

Qualifications  
and elections  
of.

Tie vote for  
mayor.

Contest.

Improper con-  
duct of alder-  
men.

Vacancies.

Stated meet-  
ings.

Oath of alder-  
men.

judge of the qualifications, elections and returns of its own members, and shall prescribe rules for the determination of contested elections, and in case of a tie vote or contest in the election for aldermen, the board shall determine who shall be seated. In case of a tie vote in the election for mayor, the aldermen elect shall meet and organize, by electing one of their number *mayor pro tempore*, who shall for the time being perform all the duties and be subject to all the liabilities of the regular mayor, and the board shall refer the election of a mayor back to a vote of the people as soon as practicable. In case of a contest in the election of mayor on any other grounds than that of a tie vote, the board shall, after organizing and electing a mayor *pro tempore* as above, decide as soon as practicable who is entitled to the office. The board may determine its own rules of proceeding, and prescribe the punishment of its members for non-attendance, disorderly or other improper conduct, and enforce the same; two-thirds of the board concurring may expel a member for such conduct. To enable the board to fully investigate charges against its own members or officers, or other proper matters, the mayor or recorder, at the request of the board, is hereby empowered to issue subpœnas and compulsory process to compel the attendance of persons and production of books and papers before the board or any committee of the same. Any person may prefer charges against the mayor for misfeasance, malfeasance or nonfeasance in office, and he may be tried by the remaining members of the board, and two-thirds of them concurring, he may be removed from office. Vacancies in the office of mayor or aldermen, or other offices herein authorized, whether occurring by death, resignation, removal or otherwise, shall be filled by the board. In the absence of the mayor at any of its meetings, the board may elect a mayor or presiding officer *pro tempore*. No person shall be eligible to the office of alderman who is not a resident of and legal voter in said corporation elections. The regular stated meetings of the board shall be held at such times as it may determine, not exceeding two per month, but special meetings may be held at any time, upon the call of the mayor. Aldermen shall hold their offices until the next regular election after their induction into office and until their successors are elected and qualified. Before assuming to discharge the duties of their office they shall be sworn before some justice of the peace to faithfully discharge all the duties of the office, and to support the

constitutions of Tennessee and of the United States, and that they have had no contract, agreement or understanding with any one, at any time, to vote for any particular person for recorder, treasurer or marshal, or other office to be filled by said board, without which oath the office shall be vacant and shall be filled by the board. A full <sup>Journal of proceedings.</sup> and complete journal or minutes shall be kept of all the proceedings of said board. It shall have power to appoint all necessary standing and special committees, and <sup>Committees.</sup> fix the number of each, the committeemen being appointed by the mayor, unless done by direct order of the board. The character and duties of such committees shall be designated by the board, and their mode of procedure may be directed by it.

SEC. 8. *Be it further enacted,* That the mayor shall <sup>Mayor.</sup>

hold his office until the next regular election after his election or appointment, and until his successor is elected and qualified. No person shall be elected mayor who is

not a legal voter in all corporation elections. A vacancy in the office of mayor shall be filled as hereinbefore provided for. The mayor may fill vacancies in any office,

except that of alderman, until the same be filled by the <sup>Appointing power.</sup> board, and in the absence of any officer, and there is

business of said absentee's office deemed by the mayor urgent, he may appoint a *pro tempore* officer to attend to

said business, and especially in the absence of the marshal he may verbally appoint *pro tempore* marshals to execute

all process, and with or without process to arrest offenders against the corporate laws, where the offense is committed in the mayor's presence, or not in his presence, if the mayor deems it necessary to prevent the escape of the party offending. It shall be the duty of the mayor to

preside at all meetings of the board, and as a member <sup>Duties.</sup> thereof take part in its deliberations and vote upon all

questions coming up before the same; to take care that all the ordinances are duly enforced and observed; to

call special sessions of the board when he may deem it expedient, and perform such other duties as the board may by ordinance or otherwise impose upon him. The

mayor shall at least once in every six months cause to be presented to the board a full and complete statement of

the financial condition of the corporation, and shall from time to time communicate to the board such information and recommend such measures as he may deem wise and proper. He shall have power to buy in property at tax

and judicial sales, where the corporation is an interested <sup>Property for corporation.</sup> party, and may buy property for corporation purposes at

**Mayor pro tem.** public or private sales ; *provided*, however, that the purchase, in any event, must be under a special or general ordinance or resolution of the board. In case of the absence of the mayor, or if for any reason he is not present to discharge any duty or business of his office, then the recorder or any justice of the peace shall have the jurisdiction and power of said mayor, and may perform all his duties, except duties as presiding officer of the board and its meetings, which duties shall be performed by any alderman the board may elect *pro tempore* mayor or presiding officer.

**Process issued by mayor.** SEC. 9. *Be it further enacted*, That the mayor of said corporation shall have full power and authority to issue any and all process, subpœnas, etc., necessary and proper for the arrest and trial of any person or persons violating any of the ordinances of the corporation which are made punishable by fine, forfeiture or penalty. Said process may be issued by the mayor of his own motion or upon application of the town marshal, his regular or special deputy, or upon the application of any other person, provided said other person makes affidavit that he has good cause to believe that the person to be charged has been guilty of violating a corporate ordinance, naming the offense. Said process shall be known as the corporation warrant ; shall be addressed to the town marshal or any constable, and may be in the form, or as near as may be, of a warrant from a justice of the peace in an ordinary action of debt, with an additional clause commanding the officer to take the body of said offending party and have him present at the time and place fixed for trial, and hold him subject to the action of the court. Said warrant shall be immediately executed by the town marshal or some constable, and duly returned before the mayor, who shall hear and determine the same. Justices of the peace may have this jurisdiction in the absence of the mayor and mayor *pro tempore*.

**Mayor's court.** SEC. 10. *Be it further enacted*, That the mayor of said corporation shall have full power and authority to try and punish all persons for any violations of any corporate ordinance, which is made punishable by fine, forfeiture or penalty, and if the party is found guilty the mayor shall immediately fix the amount of the fine and render judgment therefor on the warrant, and commit the party to jail or workhouse, if fine is not paid or secured, which judgment shall not be for less than one nor more than fifty dollars ; said judgment may be in the following form, to-wit : In this case I give judgment

for plaintiff and against defendant for — dollars and Judgment. costs of suit. Defendant will be confined in the county jail (or workhouse) until this judgment and costs are paid or secured, but not longer than three months. This judgment shall be sufficient authority for the marshal or constable to commit said party to jail or to the workhouse and held until the judgment and costs are paid or secured, but in no event longer than<sup>\*</sup> three months. The mayor <sup>Docket.</sup> shall keep a docket similar to the dockets kept by justices of the peace and in the same manner, and shall write out all his judgments thereon, giving the date of judgment, name of parties, style of suit, etc., just as required of the justices of the peace of this State. The mayor may issue execution at once on said judgment unless it <sup>Execution; stay.</sup> is paid or secured by a good, sufficient stay of execution, which may be done by the person offering to stay said execution, writing his name in the presence of the mayor on the docket in the proper column ruled for that purpose and the acceptance thereof by the mayor, or authorizing some person in writing to sign his name for him as such stayer; and the signing his said name in this way shall have the same binding, force and effect on said stayer as is the case in the stay of executions of justices' judgments. Said stay shall be for the period of ten days, at which time execution may issue. When the stay has been received by the mayor, the defendant shall be at once released from confinement. All executions shall be addressed to the town marshal, and shall have the same validity and effect, confer the same power and authority on the marshal or constable, and be subject to the same rules and regulations as executions issued by justices of the peace. The mayor may continue said cases from time to time on good cause shown, and exercise such other incidental powers in relation to said cases that justices have in civil cases before them. He shall <sup>Continuances.</sup> also have the power to take from the defendant bond <sup>Appearance bond.</sup> with good security in the sum of one hundred dollars, payable to the corporation of Dyersburg, by its corporate name, to-wit: "Mayor and aldermen of Dyersburg," conditioned to be void if the defendant make his personal appearance before the mayor or officer trying the case at the time and place fixed for trial, and not depart without leave first had and obtained from the court, or, on failure to do so, shall forfeit and pay to the mayor and aldermen of Dyersburg the said sum of one hundred dollars, otherwise to remain in full force and effect. The mayor may bring suit on said bond, before any justice of the

**Mayor's fees.** peace, in the corporate name and against any one or all of the obligors ; and any justice of the peace shall have power and jurisdiction to hear and determine the same and render judgment thereon. The mayor shall receive the same fees as justices of the peace for similar services, and shall be paid such salary as may be allowed by the board of mayor and aldermen. The mayor shall have the same jurisdiction and powers that the justices of the peace have as a committing court in the trial of parties for offenses against the criminal and misdemeanor laws of the State.

**Jurisdiction.** **Town Marshal** SEC. 11. *Be it further enacted,* That the town marshal shall thoroughly acquaint himself with the laws and ordinances of the town and rigidly enforce them. He shall have authority, without warrant in hand, to arrest any person in the corporation limits or within one mile of the corporate limits for an offense committed against any corporate ordinance in his presence, and with warrant in hand he may execute a warrant against the offending party and arrest him anywhere in the county ; the marshal shall execute promptly and with due diligence all process that may come into his hands and make due returns of the same within thirty days, showing what he has done ; and he shall perform the similar duties required of constables in regard to warrants, executions and other process by the laws of the State, and be subject to like liabilities as constables are in similar cases by the laws of the State, which liabilities may be enforced in the same way as constables' are, and to the same extent. The marshal shall collect all taxes, levied by the mayor and aldermen, except the merchant and privilege taxes, and under such rules and regulations as the board may provide. He shall give such bond, and for such an amount as the board may prescribe, the amount not to be less than double the probable amount of moneys that will come into his hands from all sources during his term of office, but the board may require the amount of the bond to be increased or additional security given, at any time, and the marshal shall give it or his office be vacated. No person shall be elected to the office of marshal unless he is a legal voter and resident in said

**Collection of taxes.**

**Term of office.** He shall hold his office, after his election, until the next regular election for mayor and aldermen and until his successor is elected and qualified, but subject always to removal by the board. He shall discharge any and all duties imposed on him by the board. The bond to be executed by the marshal to be made payable

**Bond.**

to the corporation by its corporate name, to-wit: "Mayor and aldermen of Dyersburg," and shall be conditioned to be void if the said marshal shall truly and fully account for and pay over to the proper parties all corporate funds that may come into his hands, and in all respects to faithfully discharge all the duties required of him by law, or by the board of mayor and aldermen. He shall turn over to the treasurer all corporate funds Settlements, in his hands at least once every thirty days, or oftener if the board so directs. The marshal shall be allowed the same fees allowed to constables and sheriff for similar services and such other salary and compensation as the board may allow.

SEC. 12. *Be it further enacted,* That the recorder shall Recorder. keep an accurate minute of all the proceedings of the board of mayor and aldermen, issue all merchant and privilege license, and collect taxes on same and keep a ledger account of the same, as well as any other funds that may come into his hands. He shall make out the city tax books at such time and under such rules and regulations as the board may prescribe and turn the same over to the marshal for collection at such time as the board may fix. In making out the tax book the Recorder may take the list of property, the assessed value, Tax book. etc., from the assessment book of the assessor for the then present or past year of property for State and county taxes and add any omitted property and fix the value thereof; but the board may at any time elect the Assessor. recorder or some other person a city assessor, whose duty it shall be to assess all property and polls in the corporation for taxation and enter the same on a suitable assessment book, purchased and prepared under the direction of the board; and such assessment shall be made under the laws by which such property and polls are assessed for State and county purposes, except as herein otherwise provided; said assessor shall have all the powers, or such as may be necessary, as are conferred by law on assessors of State and county taxes. From this assessment book, if one be provided, the recorder shall make out the tax book and deliver it to the marshal as before provided, Said assessor shall be required by the board to take an oath to faithfully discharge all the duties of his office or any one of them; the board shall fix the compensation to be paid said successor for his services. The recorder shall perform such other duties as the board may impose upon him. No person shall be elected to the office of recorder who is not a legal voter in said corporation

**Settlements.** elections. He shall turn over to the treasurer, at least once every thirty days, all the moneys of the corporation that have come into his hands from any source whatever, taking a receipt for same; and the board may require this to be done oftener if thought necessary. In case the recorder is also treasurer he shall keep separate books for each office and any funds that have been in his hands as recorder exceeding thirty days shall in any suit on either of his bonds be presumed to have been paid over to himself as treasurer. The recorder, before entering upon the discharge of his duties, shall execute bond payable to the mayor and aldermen of Dyersburg, with good security, in such an amount as the board may prescribe, not to be less than double the probable amount of funds that will come into his hands as recorder, and conditioned to be void only if the recorder shall fully and truly account for and pay over as may be required by the board and by law all funds of the corporation that may come into his hands, and to faithfully discharge all other duties required of him by law, or by the board. All bonds executed by any officer shall be kept and carefully preserved by the recorder, except such bonds as he may be required to execute as recorder or treasurer, and these shall be kept and preserved by the mayor. The recorder shall be entitled to a fee of fifty cents for each license issued by him, which fee shall be paid by the applicant, and shall have such other salary or compensation as the board may allow.

**Treasurer.** SEC. 13. *Be it further enacted,* That the treasurer shall receive from the marshal, recorder or other collector of corporate funds, and receipt for, take care of, and keep a proper and true account of all such funds of whatever nature that may come into his hands, and for such purposes he shall keep such books as the board of mayor and aldermen may direct. He shall make out and present as many and such reports and statements of the finances of his office and of the corporation as the board may order. Before entering upon the discharge of his duties the treasurer shall give bond with good securities, payable to the mayor and aldermen of Dyersburg, and in such an amount as the board may prescribe, and conditioned to be void only if he shall fully and truly account for and pay over, as may be provided by law and by the board, all corporation funds that may come into his hands from any source whatever and to faithfully discharge all the duties required of him by law and by said board. The treasurer shall perform such other

**Bond.**

**Fees and salary**

**Reports.**

duties as the mayor and aldermen may prescribe. He shall pay moneys out of the treasury on the order or warrant of the mayor countersigned by the recorder and not otherwise, the order or warrant to show for what purpose the money is paid.

**SEC. 14.** *Be it further enacted,* That no person shall be qualified to vote in the corporation elections unless he be qualified to vote for State and county officers and shall have resided for six months next preceding the election within the corporate limits, or shall be at the time he offers to vote a *bona fide* owner of real estate within the corporate limits. City voters.

**SEC. 15.** *Be it further enacted,* That the mayor and aldermen of Dyersburg shall, within the limitations of this Act, have powers by ordinance:

1. To levy and collect taxes for general corporation purposes upon all property and polls taxable by the laws of the State, the rate of taxation on property to be such amount as the mayor and aldermen may provide for.

2. To levy and collect taxes for general corporate purposes upon merchants, and one or all the privileges taxable by the laws of the State. The rate upon merchants and privileges to be such as the mayor and aldermen may provide for.

3. To appropriate money and provide for the payment of the debts and expenses of the corporation.

4. To make regulations to prevent the introduction or spread of contagious diseases in the town; to make quarantine laws for this purpose and enforce the same within two miles of the corporate limits.

5. To establish within or without the corporate limits hospitals, cemeteries, water-works, poor-houses, pest-houses, work-houses or houses of correction, or other houses or places for corporate purposes, and to make regulations for the government, improvement and keeping up the same.

6. To establish a system of free schools and regulate the same, but so as to avoid sectarian influence; to levy and collect taxes on the property, polls, merchants and privileges taxable by the laws of the State in order to keep up and maintain said schools; to erect therefor public school buildings and improve the same. This shall be a special tax and known as the city school tax, and shall be kept separate and apart from other taxes; said tax shall not exceed twenty-five cents on each one hundred dollars' worth of taxable property, one dollar on polls and five-eighths of the tax levied by the State on

Powers of mayor and aldermen by ordinance.

Powers of  
mayor and al-  
dermen by  
ordinance.

merchants and privileges. To make with the district school directors or proper school authorities contracts by consolidation with the schools kept up by State and county taxation, and to assist in keeping same up after consolidation, and contract for erection or improving school buildings, and to do the same things with the trustees or authorities of any private school, or persons controlling and managing private school property ; and for any of these purposes to appropriate any part or all of the city school tax mentioned.

7. In the event a free school system is not established for the town under the provisions of the preceding subsection, then the board may make contracts with the proper authorities of any free school or private school to assist in keeping up the same, and to assist in building or improving school buildings within the corporate limits, and for this purpose may levy and collect taxes on property, polls, merchants and privileges, limited in amount as prescribed in said sub-section 6, and may appropriate said taxes for said purposes, or any one of them.

8. To make regulations to secure the general health of the inhabitants, and prevent and remove nuisances.

9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, keep in repair streets, alleys and sidewalks, or to have or to cause the same to be done.

10. To erect, establish and keep in repair bridges, culverts, sewers and gutters.

11. To provide for lighting the streets, digging wells, cisterns, and erecting pumps on the streets or public grounds.

12. To provide for the erection and improvement of all buildings necessary for the use of the corporation.

13. To provide for the inclosing, improving and regulation of all public grounds and buildings belonging to or under the control of the corporation within or beyond the corporate limits.

14. To license, tax and regulate merchants, peddlers and all privileges taxable by the State.

15. To regulate or prohibit and suppress all gambling or gambling houses, bawdy houses, and all disorderly houses and obscene pictures and literature.

16. To provide for the prevention and extinguishment of fires, to organize and establish fire companies, and to regulate the carrying on of manufactures dangerous in causing or producing fires.

17. To regulate or restrain and prohibit the erection

of wooden buildings in any part of the city, or making additions thereto, but no wooden buildings or additions thereto shall be erected within one hundred and twenty feet of the Public Square, and this prohibition shall be enforced by appropriate ordinances.

18. To regulate the storage of gunpowder, tar, pitch, rosin, saltpetre, gun cotton, coal oil and all other combustible, explosive or inflammable material, and the use of lights, candles, lamps, stove pipes, steam pipes and chimneys in all store houses, dwellings, out houses, shops, stables, or other places, and to regulate or suppress the use and sale of fire-crackers or fire-works of all kinds.

19. To establish standard weights and measures to be used in the town, and regulate their use, and appoint a sealer of standard weights and measures, unless one is appointed and acting under the provisions of existing laws.

20. To provide for the inspection and measuring of lumber and all kinds of building material.

21. To provide for and regulate the inspection, weighing, measuring and vending of all kinds of fuel, provender or feed, provisions, oils, whiskies and other spirits, milk, butter, lard and all kinds of provisions, meat, poultry, fish and vegetables.

22. To establish and regulate markets, market houses and meat houses.

23. To impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

24. To provide for the arrest, imprisonment and punishment of all rioters and disorderly persons within the town, by day or night, and for the punishment of all breaches of the peace, noise, disturbance or disorderly assemblies.

25. To impose fines or penalties upon the owner or owners, occupants or agents of any house, wall or sidewalk or other structure which may be considered dangerous or detrimental to the citizens, unless the same be removed or repaired after such notice be given as the board may fix by ordinance.

26. To regulate, tax, license or suppress the running at large of all animals within the corporate limits; to take and impound the same, and in default of redemption in pursuance of ordinance to sell or kill the same.

27. To provide for the arrest and the confinement, or release on appearance bond until trial, of all persons violating any of the corporate ordinances.

Powers of  
mayor and  
aldermen by  
ordinance.

28. To erect and maintain a workhouse in or near the town.
29. To provide for any person who may fail to pay or secure at once any fine or costs that may be imposed upon him or her under any ordinance, to be committed to said workhouse, if one is erected, and if not to the county jail, until such fine and costs be fully paid or secured. Every person so committed shall be required to work for the corporation at such labor as his health and strength will permit, within or without said jail or workhouse, not exceeding ten hours each day, and for such work the person doing same shall be allowed, exclusive of board, a credit upon such fine and costs of sixty cents a day until the whole is discharged, when he shall be released; *Provided*, that no person shall be compelled to work or be confined longer than three months for any one offense.
30. To provide for inclosing, improving and regulating all public grounds belonging to the corporation in or out of the corporate limits.
31. To provide for the appointment of a special police force at such times and on such occasions as the board may determine by ordinance.
32. To grant the right of way through or over the streets, alleys, avenues and squares of the town to street or other railroad companies or persons.
33. To take and appropriate grounds for widening streets or parts thereof, or for laying out new streets, avenues, squares or parks when the public convenience requires it, under the provisions of section 1338 and sections 1388, 1389, 1390 and 1391 of the Code.
34. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full intent and meaning of this Act and to accomplish the object of this incorporation.

Corporation  
contracts.

SEC. 16. *Be it further enacted*, That the board of mayor and aldermen may make all proper and necessary contracts for corporate purposes and uses, which shall be made in the name of the corporation and signed by the mayor and recorder, and no person shall have power to create any liability against the corporation, except by express authority of the board conferred at a meeting duly and regularly convened.

Warrants for  
money.

SEC. 17. *Be it further enacted*, That no money shall be drawn from the treasury by any one, except upon an order or warrant drawn and signed by the mayor and countersigned by the recorder, but no such order or warrant shall issue except by direct authority of board

conferred at a meeting duly and regularly convened; the warrant shall show for what purpose the money is paid; the recorder shall keep a record book, properly ruled, showing the number of warrants issued, date of issuance, to whom issued, amount and on what account issued, in which he shall make a record of all warrants issued, and note on the face of the warrant the fact of the record of same.

SEC. 18. *Be it further enacted*, That the title to all Public property, real or personal, purchased by the corporation, shall be conveyed to the mayor and recorder by name in their official capacity for the use and benefit of the mayor and aldermen of Dyersburg, and by them on behalf of the corporation, shall the title to property sold by the corporation be conveyed, the said mayor and recorder signing the deed or writings in their official capacity and under the seal of the corporation.

SEC. 19. *Be it further enacted*, That property subject Assessment.

to taxation shall be assessed and listed for taxation in the name of the owner or reputed owner, alphabetically for the entire town, and if real estate, giving the number of the lot or some description that will be sufficient to identify it. In estimating the value of the property, the assessor shall be guided by the assessment laws of the State. Merchants and privileges shall be taxed and taxes on same collected as may be provided by corporate ordinances.

The assessment book shall be made out and completed by the first day of April of the year for which the assessment is made and delivered by said time to the recorder, who shall proceed at once to make out the tax book and complete and deliver the same to the marshal or collector by the first day of May of said year,

at which time said taxes shall become due and payable; but the marshal shall not enforce collection until the 15th day of November following, unless ordered to do so by

the board. All persons who have not paid their taxes by this time shall become delinquents, and the marshal

shall, at once, make out a complete list of all such showing the amount of taxes due from each, and on what due, and affix such penalty as the board may prescribe by ordinance.

When said list is made out the marshal shall make affidavit thereon before the mayor, or some justice of the peace, that it contains a full and complete list of the delinquents and the true amount of taxes due by each to the best of his information and belief. Said list as to each delinquent shall be equivalent to an execution in the hands of said marshal; and with it he shall have

the power to seize and take the goods and chattel rights and credits of said delinquents sufficient to satisfy the amount due by each, and to do all other things authorized to be done by any officer under an execution levied on such property until the money is made. If the marshal neglects to make out said list in such time as the board may prescribe or fails to promptly enforce the collection of said taxes some other officer or person may be elected by the board to discharge said duties.

**Final settle-  
ment.****Suits for taxes.****Lien for taxes.****For 1885.****Distress war-  
rants for taxes.**

The marshal or other person shall keep said lists until such time as the board may prescribe for him to return it and make final settlement. Accounts may be made out against delinquents at any time after return of said list for the amount of their taxes and suits brought against them in the nature of an ordinary action of debt before any justice of the peace in the name of the mayor and aldermen of Dyersburg. If the taxes are on real estate the warrant may show what lot or lots and that the taxes are a lien thereon and the lien may be then enforced by judgment and execution or attachment may issue showing same facts upon affidavit of marshal, stating any of the causes mentioned in the code for issuance of attachments at law. Assessed taxes on realty shall be and remain a lien thereon, until paid from and after the 10th day of January of the year the assessment is made. For the year 1885 the board may extend the time in which the assessment and tax books are to be made out and completed, if necessary. If any officer fail to discharge any of his duties in regard to making out the assessment book or tax book, the board may appoint some other person to perform said duties as soon thereafter as practicable.

*SEC. 20. Be it further enacted,* That the recorder may issue and sign distress warrants and alias and pluries distress warrants to collect taxes on merchants and privileges, directed to the marshal, or he may sue for and recover the same, in the nature of an action of debt, before some justice of the peace. The tax shall become due and payable on the day the party commences business, and shall be for twelve months, unless the party elects to take out license for less time. The mayor may also issue distress warrants against delinquents to collect taxes, upon application of the marshal, and against parties, who are not delinquents, who may be about to move out of the corporation or county, or are fraudulently or about fraudulently to dispose of their property, upon the affidavit of the marshal said warrant shall be directed

to the town marshal and executed by him. Said distress warrants in the hands of said officer will give him the same power and subject them to the same liabilities as in the case of execution.

**SEC. 21. Be it further enacted,** That the mayor or the person acting as mayor under this Act shall have all the powers and jurisdiction of justices of the peace in the trial of offenses against the corporate ordinances, and offenses against the criminal and misdemeanor laws of the State. The trial and conviction of an offender against a corporate ordinance shall not exempt him from liability to the State laws for an offense against the same arising at the same time and out of the same transaction. When a person is brought before the mayor and tried for an offense against the corporate laws the mayor may, if he believes said party is guilty of violating some State law, cause him to be arrested and tried under the laws of the State, and for this purpose the mayor shall have all the powers and jurisdiction of justices of the peace.

**SEC. 22. Be it further enacted,** That when any person is arrested by the marshal without warrant in hand he shall proceed to have one issued at once and served, and the party notified of the time and place of trial. After service of warrant in any case the marshal or mayor may take bond of said party with good security, payable to the corporation, in the sum of one hundred dollars, conditioned to be void only if he make his personal appearance at the time and place fixed for trial and not depart without leave of the court, or on failure so to do to pay said one hundred dollars.

**SEC. 23. Be it further enacted,** That any person tried and fined by the mayor for violating any corporate ordinance may appeal from the judgment rendered by the mayor to the next term of the circuit court, upon executing bond with good security in a sum not exceeding two hundred and fifty dollars, payable to the corporation and conditioned to abide by and perform the judgment of the circuit court in the premises, or he may appeal under the pauper oath and remain in confinement or give bond with security for his personal appearance at the circuit court and not to depart without leave of the court. Said appearance bond shall be in the sum of one hundred dollars, and payable to the corporation.

**SEC. 24. Be it further enacted,** That the obligations of the official bonds and the appearance bonds herein mentioned, shall be joint and several, and any one or all of the parties to any one of said bonds may be sued for

Municipal officers to have power also as Justices of the peace.

Arrests without warrant.

Appeals.

Joint sureties on bonds.

breach thereof before any justice of the peace having jurisdiction of the amount claimed or sued for, or before the circuit court.

**Prisoners.**

**SEC. 25.** *Be it further enacted,* That it shall be the duty of the jailer of Dyer county to receive and keep in jail any person who may be committed to his keeping for a breach of any corporate ordinance, or on a charge of having violated the same, for which he shall receive the same fees or compensation allowed by the State for keeping other prisoners.

**Salaries and fees.**

**SEC. 26.** *Be it further enacted,* That the officers created by this Act, and authorized to be created, shall be paid such fees and salaries, or compensation, as the board of mayor and aldermen may provide for by ordinance, unless otherwise provided for by this Act.

**Police limits one mile beyond corporation.**

**SEC. 27.** *Be it further enacted,* That the police authority of the corporation and its officers shall extend one mile beyond its corporate limits in every direction to prevent and suppress fighting, quarreling, loud cursing or swearing, or other unnecessary noise, rude or boisterous conduct, disorderly assemblies or meetings and disturbances, and for these purposes the board of mayor and aldermen may enact such ordinances as may be necessary to carry out the object and meaning of this section ; and the marshal shall have the same power, privilege and right, without warrant in hand, to arrest any offenders against said ordinances anywhere in the corporate limits or within one mile of the corporation line, when the offense has been committed in the marshal's presence or near enough for him to see or hear it committed, and with warrant in hand, to arrest such offenders anywhere in the county.

**Equalization of assessments.**

**SEC. 28.** *Be it further enacted,* That the board of mayor and aldermen shall have power, upon application of any tax payer, to reduce or equalize and to correct any illegal assessment ; the marshal shall assess for taxation all omitted property and polls that may come to his knowledge for the then existing year and collect the tax thereon ; he shall also assess all omitted property for any previous year and proceed to collect the same by suit or otherwise as the board may provide for.

**Present incumbents.**

**SEC. 29.** *Be it further enacted,* That nothing in this Act shall be construed to interfere with the present mayor and aldermen and other officers of the corporation, but they shall proceed to execute the provisions of this Act and hold their offices until the next regular

election as herein provided and until their successors are elected and qualified.

SEC. 30. *Be it further enacted*, That in the absence of <sup>Marshal pro</sup><sub>tem.</sub> the marshal or his incapacity from any cause to serve, any constable may execute and discharge all the duties of the marshal, except the collection of the taxes.

SEC. 31. *Be it further enacted*, That the following Acts <sup>Acts amended.</sup> incorporating and amending the town of Dyersburg, so far as they apply to said town, be so amended as to read as provided in this Act, to-wit: "An Act to incorporate the town of Linden, in Perry county, and Dyersburg, in Dyer county, and for other purposes," passed January 10, 1850. Also, "An Act to amend an Act to incorporate the town of Dyersburg and for other purposes," passed February 21, 1852. Also, "An Act to incorporate the Murfreesboro Insurance Company and for other purposes," passed February 26, 1869.

SEC. 32. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 73.

AN ACT to abolish the charter of the town of Henning, in Lauderdale county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Henning, in the county of Lauderdale, State of Tennessee, obtained under the Act passed March 20, 1875, chapter 92, and the Act amendatory thereto passed March 26, 1877, chapter 121, be, and the same are hereby repealed. But this repeal shall not interfere with or divest rights that have become vested, or deprive the holders thereof of any of the remedies they now have for the enforcement of the same.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 1, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 74.

**AN ACT** to provide for the erection of an Insane Hospital in West Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That Jno. M. Lea, Jno. H. Cal-lendar and W. P. Jones be, and are hereby appointed commissioners to superintend the construction of said hospital, and said commissioners to select and purchase a tract of land, not more than one hundred acres or less than seventy five acres, capable of cultivation, at some suitable place in West Tennessee. Said tract shall be conveniently situated for receiving supplies of fuel of either wood or coal. Said commissioners shall receive no compensation for their services over and above the necessary expenses incurred in the discharge of their duties.*

**SEC. 2.** *Be it further enacted, That the said commissioners shall have power to select and appoint a gentle-<sup>Plan of Hos-pital.</sup> man of thorough medical education, familiar with the care and treatment of the insane, who, together with themselves, shall prepare a plan for the proposed hospital and superintend its erection. The said plan shall be drawn out in detail by a competent architect employed by said commissioners and superintending physician, which plan shall be in strict conformity with propositions on constructions of institutions for the insane, and shall be approved by the Governor or such experts as he may select for deciding upon the propriety of the same, and no change shall be made in said plan to materially affect its character or cost without the consent of the Governor or said expert in writing.*

**SEC. 3.** *Be it further enacted, That the commissioners shall fix the salary of the medical officer herein provided for during the time he is engaged with them in superintending the erection of said building, as also that of the architect and all others whose services may be required in the proper construction of the same.*

**SEC. 4.** *Be it further enacted, That to enable the said commissioners to carry into effect the provisions of this Act, and make all necessary preparations for the purchase of the land and erection of the building provided for* <sup>Appropriation.</sup>

herein, the sum of eighty-five thousand dollars is hereby appropriated, and the Comptroller shall issue his warrants on the treasurer from time to time for such sums as the commissioners may order in a written certificate.

**Building.** SEC. 5. *Be it further enacted,* That the said commissioners and physician shall proceed to erect said building and complete the same at as early a day as possible, compatible with the perfection or skillful execution of the work, and they shall annually make reports through the superintending physician, to the Governor, of the amount of money expended by them and the progress made in the erection of the building.

**Present laws  
and trustees to  
control.** SEC. 6. *Be it further enacted,* That the laws now in force in this State relative to the management and regulation of insane asylums be and are hereby extended and made to apply to the government and regulation of the asylum in West Tennessee, and the trustees now authorized by law to control and manage the insane asylums of this State, shall be and they are hereby constituted the trustees of said asylum in West Tennessee. *Provided,*

that the purchase of the land and the building to be erected shall not exceed in cost eighty-five thousand dollars, and the plans of the architect shall be so made as to come within the provisions of this Act, and the contract price for the land and the erection of the building thereon shall not exceed that sum.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 1, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 75.

**AN ACT** to amend sections 49, 51 and 53 of an Act entitled "An Act to incorporate the Middle Tennessee Insurance Company at Lebanon, and for other purposes," passed March 24, 1860, so as to change the name of "The Energetic Insurance Company of Nashville," to "The Planters' Fire and Marine Insurance Company of Memphis," and to enable said company to remove its situs and office to the taxing district of Shelby county, Tennessee.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 49 of the Act passed March 24, 1860, entitled "An Act to incorporate the Middle Tennessee Insurance Company at Lebanon, and for other purposes," be so amended as to change the name of "The Energetic Insurance Company of Nashville," to "The Planters' Fire and Marine Insurance Company of Memphis," and that said company be authorized to remove its situs and office to the taxing district of Shelby county, Tennessee.

**SEC. 2.** *Be it further enacted,* That sections 51 and 53 of said Act mentioned above, be, and the same are hereby amended by striking out the words "city of Nashville" wherever they occur in said sections, and inserting in their place and stead the words "the Taxing District of Shelby county, Tennessee."

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 27, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 76.

AN ACT to empower the Trustees of Carthage Female and Geneva Academies to sell the old buildings and lot, and to erect a new building.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the boards of trustees of Carthage Female Academy and Geneva Academy, situated in the town of Carthage, in Smith county, be, and they are hereby authorized and empowered to sell the present academy building in said town, and the lot on which the same is situated, upon such terms as they may deem best, and to make valid title thereto to the purchaser in fee simple.

SEC. 2. *Be it further enacted,* That said trustees be, and they are authorized to apply and appropriate the proceeds arising from the sale of said house and lot to the erection of a new building, in or near said town, of such character and description as they may think the public good demands, and they are authorized and empowered to use and expend any funds they may hold as such trustees, or that they may receive by donation or otherwise for said purpose.

SEC. 3. *Be it further enacted,* That said trustees shall have power and authority with said funds to purchase such other lot or parcel of ground as may be necessary for the erection of said new building and for play grounds, not to exceed ten acres; or they may purchase any suitable grounds and buildings instead of erecting new ones, if they deem best, the title to such property to be vested in said trustees in like manner as the present house and lot are held.

SEC. 4. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 1, 1885.

WM. B. BATE,  
*Governor.*  
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## CHAPTER 77.

### AN ACT to repeal the Railroad Commission.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 29, 1883, entitled "An Act to provide for the regulation of railroad companies and persons operating railroads in this State, and to provide for the punishment of the same, and to appoint a railroad commission," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Disapproved April 3, 1885.

WM. B. BATE,  
*Governor.*

Passed by the Senate, the veto of the Governor notwithstanding, April 3, 1885.

T. C. LONG,  
*Clerk of the Senate.*

Passed by the House, the veto of the Governor to the contrary notwithstanding, April 3, 1885.

ERHEL B. WADE,  
*Clerk of the House of Representatives.*

## CHAPTER 78.

**AN ACT** to amend an Act entitled "An Act to provide for the organization of corporations," passed March 19, 1875, and approved March 23, 1875, being chapter 142 of the Acts of 1875, so as to provide by general law for the organization of companies or corporations to purchase, own, improve, use, occupy, rent, lease and enjoy real estate, not exceeding in amount or size a lot or parcel of ground one hundred and fifty feet square, and convey the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 19, 1875, and approved March 23, 1875, entitled "An Act to provide for the organization of corporations," being chapter 142 of the Acts of the General Assembly of 1875, be, and the same is hereby so amended as to authorize and provide for the organization and chartering of companies or corporations to purchase, own, improve, use, occupy, rent, lease and enjoy real estate for individual profit, and to sell or otherwise convey the same; *Provided*, that no corporation created by or organized under this Act shall own at any one time a greater amount of real estate than a lot or parcel of ground one hundred and fifty feet square.

**SEC. 2.** *Be it further enacted*, That the form of a charter for a company for the purpose of purchasing, owning, using, improving, enjoying, renting and conveying real estate for individual profit shall be as follows:

**STATE OF TENNESSEE.** Charter of Incorporation. *Be it known*, That (here insert the names of five or more persons, not under twenty-one years of age, applying for the charter,) are hereby constituted a body politic and corporate by the name and style of (here insert name), for the purpose of purchasing, owning, improving, using, occupying, renting, leasing, enjoying and conveying real estate, not exceeding in amount or size a lot or parcel of ground one hundred and fifty feet square. The general powers of said corporation are as follows: (here insert the general powers as contained in section (5) five of said Act of Assembly passed March 19, 1875, chapter 142 of the Acts of 1875, on pages 236, 237 and 238 of said Acts, entitled An Act to provide for the organization of corporations.)

SEC. 3. *Be it further enacted*, That all corporations organized under this Act shall also have power to purchase, own and convey all such machinery, materials and other personal property as may be pertinent, useful and necessary to the use, occupation and enjoyment of the real estate, buildings and improvements owned by them.

SEC. 4. *Be it further enacted*, That the charter of companies provided for by this Act shall be obtained in the manner pointed out by section 26 of said Act, passed March 19, 1875, and approved March 23, 1875, entitled An Act to provide for the organization of corporations, being chapter 142 of Acts of 1875, which said section 26 is hereby made applicable to all corporations authorized to be organized under this Act.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 79.

AN ACT for the benefit of Eliza S. Mason and Jennie L. Kerr, and to relinquish the claim of the State in the property of and owned by Elbert Kerr at his death.

WHEREAS, Elbert Kerr, an illegitimate son of Ellen Kerr, deceased, died intestate, in Loudon county, Tennessee, about the 9th day of August, 1884, leaving an estate, real and personal, in said county of Loudon; and,

WHEREAS, Said Elbert Kerr left no widow or children, nor the descendants of such surviving him, he never having married; and,

WHEREAS, The said Elbert Kerr left no mother, brothers or sisters surviving him, nor the descendants of such ; and,

WHEREAS, Eliza S. Mason, wife of T. J. Mason, Sr., of Loudon county, Tennessee, was a sister of the mother of said Elbert Kerr, and Jennie L. Kerr, of Hawkins county, Tennessee, is the only child and heir of Samuel D. Kerr, deceased, who was a brother of the said Eliza S. Mason, and a brother of the said Ellen Kerr ; and,

WHEREAS, The said Eliza S. Mason and Jennie L. Kerr being the next of kin of said Elbert Kerr, deceased, there being no other relatives of his except distant relatives, and doubts having arisen as to the right of said near relatives to inherit the estate of said Elbert Kerr, deceased ; and,

WHEREAS, It being the sense of this General Assembly that said Eliza S. Mason and Jennie L. Kerr should have said estate ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all of the interest, right or title that the State of Tennessee may have acquired by escheat in and to the estate of said Elbert Kerr, deceased, real and personal, be hereby relinquished, and vested in said Eliza S. Mason and Jennie L. Kerr, as tenants in common, to share equally.

SEC. 2. *Be it further enacted,* That any suit or suits that may now be pending in any of the courts of this State, brought in the name of, or for use of the State to reach or take charge of said estate as escheated property, shall be dismissed ; *Provided*, that said Eliza S. Mason and Jennie L. Kerr pay all costs and such attorneys' fees as the counsel for the State or the court may direct.

SEC. 3. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 1, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 80.

**AN ACT** to provide for the appointment of commissioners on the part of this State to act in conjunction with commissioners on the part of the State of North Carolina, for the purpose of ascertaining the true boundary line between said States, and to prescribe their duties in the premises.

**WHEREAS**, There is a conflict between the citizens of North Carolina and Tennessee on account of the uncertainty of the State line between said States; and a considerable quantity of land claimed by citizens of both States, and in order to prevent many vexatious lawsuits between the citizens of said States; therefore,

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That William E. Tilson, Frank H. Hannum and David White, of the county of Unicoi, State of Tennessee, be and are hereby appointed commissioners on the part of Tennessee to act in conjunction with such commissioners as the State of North Carolina may provide for, who shall run and mark the State line between said States, commencing on the Iron mountain, at the Indian Grove gap, and run the same to the point where the Jonesboro and Ashville, North Carolina, road passes through the Bald mountain.

**SEC. 2.** *Be it further enacted*, That said commissioners shall ascertain the true line between said States between said points, and shall mark the same as was provided to be done by the commissioners of both States when the same was last done; that as soon as possible after the passage of this Act the governor of this State shall notify the governor of the State of North Carolina what action the State of Tennessee has taken in the premises, and request the governor of North Carolina to appoint commissioners to co-operate with the commissioners on part of Tennessee to settle said dispute.

**SEC. 3.** *Be it further enacted*, That so soon thereafter as commissioners shall have been appointed on part of North Carolina the commissioners shall meet at the point designated in this Act to commence, and shall take and subscribe an oath before the clerk of the county court of Unicoi county, State of Tennessee, or some acting justice of the peace for said county that they will perform the duties contemplated by this Act, with all their skill, ability

and impartiality, which oath shall be preserved by the clerk or justice who may administer said oath in their office, and said commissioners shall run and mark the line as hereinbefore provided for, and shall make reports to their respective legislatures.

SEC. 4. *Be it further enacted*, That if the State of North Carolina fails and refuses to provide for the appointment of commissioners, the Tennessee commissioners shall proceed to run and establish the line as herein provided for; that the commissioners on the part of Tennessee shall receive as compensation for their services the sum of three dollars per day, and shall not be paid for more than fifteen days, which compensation shall be paid upon a sworn statement by said commissioners of the number of days each performed the service. The comptroller shall issue his warrant upon the treasurer for the amount due each of said commissioners. That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 28, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 81.

AN ACT to extend the corporate limits of the town of Lynchburg.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporate line of the town of Lynchburg be and the same is hereby changed and extended on the northern boundary of the same, as

follows, to-wit: Beginning at said corporate line near the corner of the jail lot at the east corner of James T. Bickley's lot, running thence northwardly with said Bickley's east boundary line to the lot of W. D. L. Record, thence in same direction to said W. D. L. Record's north corner, thence westwardly with said Record's line to the corner of Mrs. N. J. Norman's land in the center of the extension of Mechanic street, thence in same direction with Mrs. Norman's line to the cemetery, thence southward with said Norman's line to the old corporation line, so as to include within the corporate limits of said town of Lynchburg the houses and lands adjacent thereto as set forth in the above boundaries of James T. Bickley, W. D. L. Record, Mrs. N. J. Norman, a lot belonging to the heirs of Alfred Eaton (deceased) and Mike Shoffner and wife.

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this Act be and are hereby repealed.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

11—Acts.

## CHAPTER 82.

**AN ACT to amend an Act entitled "An Act to establish taxing districts of the second-class, and to provide the means of local government therefor," passed April 1, 1881.**

President of  
board of commissioners.

Recorder.

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That section five of an Act entitled "An Act to establish taxing districts of the second-class, and to provide the means of local government therefor," passed April 1, 1881, be so amended that the commissioners therein provided for shall elect one of their number president, and they may elect a person not a member of the board of commissioners as recorder, whose duties shall be to keep a faithful record of all the proceedings of the board, to make out the tax list and collect the taxes and render accounts of the same quarterly to the board, to hear all complaints and charges for violations of the ordinances and assess the fines and fix the punishment under the ordinances and commit offenders until the fines and costs are paid. Before entering upon his duties such recorder shall give bond in double the estimated tax to come into his hands and take an oath to support the constitution of the United States and of the State of Tennessee, and to faithfully perform his duties, copies of which bond and oath shall be spread on the minutes of the board, and the original shall be filed in the office of the clerk of the county court. He shall pay no monies out except on the order of the president of the board approved by one of the other commissioners. In case of the sickness, necessary absence or legal incompetency to hear trials of offense against the ordinances, the president or either of the other commissioners shall be authorized to hear such cases and fix the punishment. In the meetings of the board the recorder shall have no vote. He shall hold his office for the period of two years, and until his successor is elected, but he may be removed by the board of commissioners for malfeasance or misfeasance in office, or for neglect of his duties. The compensation of the recorder shall be fixed by the board of commissioners by ordinances duly promulgated, but not to exceed the fees allowed by law to magistrates and other officers of the State for like services. In case taxes due the taxing district are

not paid at the time fixed by law for the payment of <sup>Delinquent</sup> taxes. State and county taxes, the recorder shall have the power, and it shall be his duty, to issue distress warrants for the collection of all unpaid taxes, which shall be placed in the hands of the marshal, who shall distrain and levy the same upon the goods and chattels of such delinquents and sell the same as provided by law in execution sales, and make return to the recorder. Where there are no goods or chattels of the delinquents, then the marshal shall make his return accordingly, when the recorder shall proceed to sell the real estate on which taxes are levied, and make return to the circuit court in same manner as provided by law for the sale of real estate by State and officials for State and county taxes. But if said commissioners shall not deem it proper to select a recorder as above provided for, or shall fail to do so, then the duties, rights and powers of the president, treasurer and secretary, and financial agent of said taxing district, shall be and remain the same as now fixed by the said Act passed April 1, 1881, and entitled "An Act to establish taxing districts of the second-class, and to provide the means of local government therefor, and in the event of the failure of commissioners to elect a recorder, the secretary and financial agent shall collect the taxes as now provided by said Act, and for any taxes remaining unpaid on the first day of December of the year for <sup>Warrants for</sup> <sub>unpaid taxes.</sub>

which they shall be assessed he shall issue a distress warrant and place it in the hands of the marshal, who shall proceed to collect the same out of any personal property belonging to the said taxpayer, and he shall have all the rights and powers now conferred by law on the State officers charged with the collection of State revenue, and in the event there is no personal property, then he shall return that fact to the secretary and financial agent, and <sup>Tax sales.</sup> the secretary and financial agent shall sell the land, if any, in the manner and form now prescribed for the sale of land for taxes due the State.

SEC. 2. *Be it further enacted,* That section eight of <sup>Powers of</sup> <sub>commissioners</sub> said Act be so amended that the board of commissioners shall have the power by ordinance within the district to levy taxes upon all property taxable by law for State purposes, to levy taxes upon all privileges and polls taxable by law for State purposes, to appropriate money and provide for the payment of all debts and current expenses of the district, to declare, prevent and remove nuisances within the district, and within one mile of the boundaries thereof, to establish and regulate hospitals, to

prevent the erection of and remove buildings dangerous to life and to other improvements, to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise, improve clear and keep in repair streets, alleys, avenues and sidewalks, and to have the same done and to compel the owners of property fronting on any street to make or repair, or keep in repair sidewalks so the same shall be equal on all living on such street or square, to impose fines, forfeitures and penalties for the breach of any ordinance, and punish by imprisonment within or without workhouses, in default of payment of fine and costs; and they shall also have power over all other offenses in their district in which the peace, safety and general welfare of the inhabitants are interested; to establish by boundaries within the limits of the taxing district a fire district, and by proper laws and ordinances prevent the erection of framed or other combustible buildings within the boundaries of said fire district, to establish and maintain a public school or public schools; or said commissioners may join with the public school commissioners of the civil district in which said taxing district is located, in maintaining the public schools located within the limits of said taxing district; to appoint some competent physician as health officer of said taxing district and make all necessary rules and regulations for the preservation of the health of the citizens of said taxing district.

*SEC. 3. Be it further enacted,* That section ten of said Act be so amended that the powers therein conferred upon the president of the board shall be conferred on the recorder—if the commissioners shall elect one—unless the recorder is sick, absent or incompetent to try the offense.

*SEC. 4. Be it further enacted,* That said Act may be so amended that the recorder—if the commissioners shall elect one—shall list the property for taxes and report his action to the board of commissioners, and the board shall carefully examine and pass upon the list and the valuation of the property as listed, and make necessary corrections in the same before the taxes shall be collected.

*SEC. 5. Be it further enacted,* That said Act be so amended that any territory adjoining any taxing district of the second-class may be added thereto and included in the limits of such district, as follows: Five or more freeholders in the territory proposed to be added and included in said district shall sign a petition in writing with their signatures, in which they shall describe by metes and bounds and submit a plat thereof of said addi-

Recorder.

Recorder to  
list property.

Additions:  
how made.

tion for consideration and approval by the board, where-upon the same shall be submitted under ordinance to the qualified voters of such addition, and if approved by a majority of the electors at such election, to be held by the sheriff of the county, due return thereof made to the board, the same shall be adopted by ordinance and a cer-tified copy made by the recorder—if one shall be elected—and if one shall not be elected, then by the secretary and financial agent of the petition, the plat and the ordi-nances of the board shall be presented to the county court at any session thereof, and the court shall cause the same to be spread on its minutes, and by an order approve the same when such addition shall become part of such district, and any district may contract its limits in like manner, but requiring a two-thirds vote before the same shall be approved. All expenses of additions or contractions shall be paid by the petitioners.

*SEC. 6. Be it further enacted,* That said Act be so ~~voters.~~ amended that in all elections for commissioners or other officers elected by the inhabitants or the addition or con-traction of territory, all persons holding real estate within the territory of such district or section, who are other-wise qualified voters for State and county officers, are hereby declared to be legal and qualified voters for such officers or questions to be settled.

*SEC. 7. Be it further enacted,* That section six of said ~~City marshal.~~ Act be so amended that the commissioners may elect the marshal as now provided by law, or they may by proper or-derinance direct that a city marshal at the next election for commissioners of said taxing district shall be elected by the qualified voters of the said taxing district, and said marshal when elected shall, before entering upon the dis-charge of the duties of his office, give bond before the county court of the county in which said taxing district is located in the sum of \$1,000, conditioned for the faith-ful discharge of the duties of his office, and for the prompt payment to the treasurer or recorder of all monies or property that may come to his hands by virtue of his office. He shall also take an oath before said court to support the constitution of the United States and of this State, and to faithfully discharge the duties of his office, provided this Act shall not interfere in any way with marshals who have been elected as now provided by law, and whose term of office has not expired.

*SEC. 8. Be it further enacted,* That said commissioners shall upon bona-fide petition presented to them signed by <sup>Abolishing</sup> ~~taxing districts.~~ two-thirds of the legal voters of said taxing district ask—

ing for the same, abolish their taxing district by tendering their resignations as commissioners to the county court of their county, said resignations to take effect thirty days after the petition is presented to them. In the mean time said commissioners shall make a final settlement of all the business of said taxing district, collect all the taxes and claims due the district, and pay all the debts or just claims against the district and make a full and complete report of said settlement under oath to the county court, and turn over to the trustee of the county any surplus moneys that may be on hand or due to be applied to working and keeping in repair the streets of the town.

**SEC. 9. *Be it further enacted,*** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

**SEC. 10. *Be it further enacted,*** That section four of ~~Act amended.~~ said Acts of 1881, chapter 127, an Act entitled "An Act to establish taxing districts of the second-class, and to provide the means of local government therefor," be so amended that after the words town or city in said section four, that from and after the passage of this Act, that all taxing districts of the second-class organized under this Act of 1881, chapter 127, and this Act shall conform to the following before such taxing district shall be declared organized ; that said three commissioners so appointed shall by written or printed posters in at least five places in said district, one of which shall be at the court house door in the county and one at the nearest post office to the district sought to be organized, give ten days' notice of the time and place of the election to ascertain whether a majority of the legal voters within the boundaries of such district desire the organization of the same, at which time and place said commissioners shall open and hold an election within the boundaries of such district in the same manner, and subject to the same laws that elections for county officers are held in this State ; and those in favor of the organization of such district, shall have written or printed on their tickets the words, " for the taxing district," and those opposed to the organization of such district the words " no taxing district ;" that the legal voters of said election shall be the same that were legal voters at the time of the abolition of the former charter ; that the said commissioners shall count the vote and file their report together with the ballots and poll-books with the clerk of said county court at least three

Ballots.

days before the meeting of said county court, which report ballots and books shall be open for inspection; that said county court shall inspect said report and returns, and spread the same upon the minutes of said court, and if it appear from said returns that a majority of the votes cast are "for the taxing district," said court shall declare such taxing district organized; that if it appear that a majority of the votes cast are for "no taxing district," the said court shall enter on its minutes the fact of such failure to organize.

**SEC. 11.** *Be it further enacted,* That hereafter no taxing district of the second class shall be created or organized unless the said district shall contain a voting population of 150 or more. Minimum population.

**SEC. 12.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 30, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 83.

AN ACT to provide for the redemption of the notes of the Bank of Tennessee, called "Post notes," of the denomination of \$500 and \$1,000, and notes of less denomination than five dollars.

Certificates.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That after the chancery court at Nashville shall decree a division of the indebted assets of the Bank of Tennessee, and the same shall have been applied and distributed *pro rata* among the holders of the notes of the Bank of Tennessee called "post notes," of the denomination of \$500 and \$1,000, dated September 1, 1861, and the small notes of less denomination than five dollars, but not less than one dollar, the governor, treasurer and comptroller be and are hereby directed to prepare certificates for all legitimate outstanding post notes, including the smaller notes, but of denomination not less than one dollar, and in denominations of one, five and twenty dollars, as may be found most convenient for the purpose herein expressed; they shall be engraved and printed or lithographed on suitable paper, with appropriate device, to be signed by the governor, comptroller and treasurer, and payable to the bearer, and shall bear the date of their issuance, and shall be payable one-fifth each year for a period of five years, and they shall show upon their face that they were issued in substitution of the notes of the Bank of Tennessee, and that they are receivable for taxes and other dues to the State as by this Act provided. They shall be numbered, and shall not bear interest.

Examination  
by experts.

SEC. 2. *Be it further enacted,* That whenever any notes of the Bank of Tennessee called post notes, of the denomination and dates as stated in the first section of this Act, or any small notes of the denominations of one, two and three dollars, shall be presented to the governor, comptroller and treasurer, it shall be their duty to have the same examined by some competent experts, to be employed as hereinafter stated, and if they are found to be genuine notes they shall be received and cancelled, and preserved by the governor, comptroller and treasurer for such examination as the General Assembly shall hereinafter direct, and they shall issue to the person so delivering up and surrendering the same, certificates of

indebtedness to the amount of notes surrendered for cancellation ; *Provided*, however, that fractional currency of less than one dollar shall not be exchangable under this Act ; but all the genuine so-called post notes and notes of the denominations of one, two and three dollars shall be exchangable for the certificates aforesaid under this Act.

**SEC. 3.** *Be it further enacted*, That certificates of indebtedness shall be receivable at any time before or after due in payment of all final judgments now outstanding and subsisting against defaulting and delinquent revenue collectors or their securities, and decrees in favor of the State, and in payment of all back taxes and other dues to the State which became payable before the year 1884, and also in payment of all taxes and other dues to the State, when such certificates or warrants shall be due.

**SEC. 4.** *Be it further enacted*, That proper books shall be kept by the governor, comptroller and treasurer, which shall show the number and amount of certificates issued under this Act, and these books shall always be open to the inspection of the General Assembly.

**SEC. 5.** *Be it further enacted*, That all notes presented to the governor, comptroller and treasurer for certificates under this Act, which upon examination by them shall be found to be counterfeit, shall be excluded and marked counterfeit and returned to the owner or party presenting the same, after a description thereof shall have been entered in a book kept by them for this purpose.

**SEC. 6.** *Be it further enacted*, That the treasurer and comptroller shall receive fifty cents per thousand dollars, to be equally divided between them, for each and every thousand dollars of the genuine notes of the Bank of Tennessee called post notes, and one, two and three dollar notes, received by them and cancelled, for services required of them by this Act, to be paid out of the treasury upon the warrant of the comptroller, based upon the certificate of the governor directing the comptroller to draw the warrant on the treasurer therefor. They shall have power and are hereby directed to employ two competent and suitable experts, capable of distinguishing the genuine from the counterfeit notes, who shall not receive more than five dollars per day as compensation for each and every day employed, to be paid upon the warrant of the comptroller according to the usual course ; *Provided*, said experts shall not be paid for more than fifty days.

SEC. 7. *Be it further enacted*, That it shall not be lawful for any trustee, constable, tax collector or back-tax collector as agent for others, or his own account, to deal in, sell or furnish the certificates authorized to be issued under this Act, to others to be used in payment of taxes or other dues to the State.

Affidavit of  
collectors.

SEC. 8. *Be it further enacted*, That all revenue collectors shall, in making settlement of the monies collected by them, make affidavit and file the same with the comptroller or other officer with whom the settlement is made, showing that the money collected under the provisions of this Act was actually received by them in payment of taxes and other dues to the State.

Not good for  
county taxes.

SEC. 9. *Be it further enacted*. That nothing in this Act shall be so construed as to make said certificates to be issued under this Act receivable for county or municipal taxes.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 84.

**AN ACT** to incorporate the purchasers of the property and franchises of any incorporated company of the State, when sold under mortgage.

**SECTION 1.** *Be it enacted by the General Assembly of Full powers  
the State of Tennessee,* That when any corporation of <sup>pass to pur-</sup>  
this State may mortgage, or has heretofore mortgaged, its <sup>chaser.</sup>  
property and franchises under the provisions of its charter  
or the general laws of this State, and said mortgage has  
been or shall hereafter be foreclosed under a power of  
sale given in said mortgage, or the decree of any court  
of this State or the United States, then, and in that case,  
the purchaser at said sale shall by virtue thereof be en-  
titled to and be invested with the said property and fran-  
chises, and with all the rights, privileges and immunities  
appertaining thereto under the act of incorporation of  
said company, the amendments thereto, or the general  
laws of this State, in as full manner as the said corpora-  
tion or company is or was entitled.

**SEC. 2.** *Be it further enacted,* That the purchasers of <sup>Organization  
of new com-</sup>  
the property and franchises of such corporation may, <sup>pany.</sup>  
after being put in possession of the same under such sale,  
meet together, adopt a name for the corporation, elect a  
board of directors of not less than three nor more than  
nine members, a majority of whom shall reside in this  
State; and at such meeting any person interested in such  
purchase shall be entitled to one vote for every one hun-  
dred dollars (\$100) of his interest, unless all the persons  
interested in the purchase shall otherwise agree; and the  
said board of directors shall proceed to elect a president  
and <sup>such other officers as may be necessary for the pro-</sup>  
proper management of said property and franchises, fix their  
compensation and duties, adopt by-laws for the govern-  
ment of the corporation not inconsistent with the laws of  
this State; adopt a common seal, fix the amount of the  
capital stock of said corporation and divide the same be-  
tween the persons interested in such purchase in propor-  
tion to their respective interests. The said board of <sup>Certificate for  
secretary of  
State.</sup>  
directors shall make a certificate showing the name of the <sup>corporation,</sup>  
the amount of its capital stock, the shares  
into which the same is divided, the number and residence  
of the board of directors, the location of the corporation,

the name by which it was heretofore known, and shall cause the same to be signed by the president and the members of the board and filed in the office of the secretary of state of this State; and thereupon the said purchasers shall be a body corporate under the name so adopted, with all the rights, powers and franchises conferred by the act of incorporation, the amendments thereto and the general laws of this State; *Provided*, that nothing in this Act contained shall be so construed as to exempt said corporation or its property from liability to State, county and municipal taxation; and *provided further*, that the purchasers waive any right of exemption from taxation if any existed in the original charter or other law of this State in favor of such corporation.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 85.

AN ACT to amend an Act passed February 12, 1858, entitled "an Act to incorporate the town of Tullahoma, in the county of Coffee," amending sections 6 and 7 of said Act so that the Aldermen be elected for two years, and in such manner as to make it a continuous body; reducing the number of Aldermen from seven to six, and the election of the Mayor by the voters instead of by the Aldermen.

**Mayor's election and term of aldermen changed.**

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed Februrry 12, 1858, entitled "An Act to incorporate the town of Tullahoma, in the county of Coffee," be and the same is hereby

so amended that the aldermen of said town shall be elected for a term of two years, as hereinafter provided, instead of one year as now provided ; and that the mayor shall be elected by the voters of said town, instead of by the aldermen as now provided.

**SEC. 2.** *Be it further enacted,* That the time of the annual election be and is hereby changed from the first Saturday in January, to the first Thursday in February, to which time the present board of mayor and aldermen shall hold their offices, and until their successors are duly elected and qualified ; at which time (first Thursday in February) there shall be elected a mayor and six aldermen—the mayor for a term of two years, and three aldermen receiving the highest number of votes for a term of two years, the remaining three aldermen receiving the next highest number of votes shall hold office for one year.

**SEC. 3.** *Be it further enacted,* That at each succeeding annual election there shall be elected three aldermen to serve for two years, and at each succeeding biennial election there shall be elected a mayor to serve for two years.

**SEC. 4.** *Be it further enacted,* That all Acts or parts of Acts in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 86.

### AN ACT to bar the collection of back taxes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all State, county, city, school and railroad taxes, and all taxes on privileges and polls now due the State, counties or municipalities for the collection of which no suits have been commenced, shall be barred, and all liens for said taxes be cancelled, unless the same are collected or suits for the collection be instituted, first in the case of taxes for the year of 1878, and previous thereto, within one year from the passage of this Act ; second, in the case of taxes for the years 1879 and up to and inclusive of the year 1884, within six years from the time they fell due.

**SEC. 2.** *Be it further enacted,* That when the title to any property was taken out of the original owners by virtue of a sale under the law of the United States, passed June, 1864, and the laws passed amendatory of the same, levying direct taxes, such property and all property while held or owned by the United States shall be held to be exempt from taxation, and all assessments upon said property for State, county or municipal taxes while so held or owned shall be held to be null and void, and all liens therefor are released and discharged, and no suit shall be maintained nor sale made to enforce the collection of any such tax while so held, *Provided* that this Act shall not apply to cases where assessments or collections have been enjoined or otherwise prevented or stayed by any judicial proceedings until one year after the determination of such proceedings.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 3, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 87.

**AN ACT to organize and incorporate an independent militia.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of creating greater efficiency in the military system, charters may be granted to any association of individuals for the purpose of organizing themselves into independent military companies, battalions, squadrons, regiments and batteries in manner and form, and subject to the provisions and restrictions hereinafter prescribed, and provided such organizations shall be of no charge or expense whatever to the State.

**SEC. 2.** *Be it further enacted,* That the form of a charter for the foregoing purpose shall be as follows: Be it known that (here fill this blank with the names of five or more persons who desire to be incorporated) are hereby incorporated a body politic and corporate by the name and style of (here fill the blank with the name of the company, battalion, squadron, regiment or battery, and state the general purposes for which the charter is sought, and the object of the association).

**SEC. 3.** *Be it further enacted,* That the general powers of the corporation shall be to sue and be sued by the <sup>General pow-</sup>ers. corporate name, to have and to use a common seal, which it may alter at pleasure; if no common seal, then the signature of the name of the corporation by any duly authorized officer shall be legal and binding; to purchase and hold or receive by gift, bequest or devise in addition to the property owned by the corporation, real estate necessary for the corporate business, and also to purchase or accept any real estate in payment or part payment of any debt due the corporation and sell the same; to establish by-laws and make all rules and regulations not inconsistent with the laws or constitution of this State or the United States, and in addition to commissioned officers to elect a president and secretary and treasurer as the business of the corporation may require.

**SEC. 4.** *Be it further enacted,* That the said five corporators shall, within a convenient time after the registration of this charter in the office of the secretary of state, elect from their number a president, secretary and

treasurer, or the last two may be combined into one, said officers and the other corporators to constitute the first board of directors, which board and its successors in office shall be the governing committee of the corporation. A failure to elect officers at the proper time will not dissolve the corporation, but those in office, hold until the election and qualification of their successors.

**Term of office.** The term of all officers shall be fixed by the by-laws, the same however not to exceed two years. The cor-

**Capital stock.** The corporation for the purpose of buying or building or providing itself with an armory, drill room or property necessary for company use, may by by-laws make regulations concerning subscription for a transfer of stock, fix upon the amount of capital to be invested in the enterprise, the division of same into shares, the time required for the payment thereof by the subscribers for stock, the amount to be called for at any one time, and in case of the failure of any stockholder to pay the amount thus subscribed by him at the time and in the amounts thus called, a right of action shall exist in the corporation to sue said defaulting stockholder for the same.

**Record of stockholders.** The books of the corporation shall show the original and subsequent stockholders, their respective interests, the amount which has been paid on the shares subscribed, the transfer of stock, by and to whom made, and other transactions in which it is presumed a stockholder or creditor may have an interest. The amount of any unpaid stock due from a subscriber to the corporation shall be a fund for the payment of any debts due from the corporation, nor shall the transfer of stock by a subscriber relieve him from payment, unless his transferee has paid up all or any of the balance due on said original subscription. The right is reserved to repeal, annul or modify this charter. If it is repealed, or if the amendments proposed being not merely auxiliary, but fundamental, are rejected by a vote representing more than half the stock, the corporation shall continue to exist for the purpose of winding up its affairs.

**SEC. 5. Be it further enacted,** That the board of directors shall have the power to determine what amounts of money paid into the treasury shall be a pre-requisite of membership, or if necessary, what amount shall be annually paid, and a failure thus to pay shall in the discretion of the directors justify the expulsion of said defaulting member. In all elections each member shall be entitled to one vote, either in person or by proxy, and the result shall be determined by a majority of the votes cast.

**SEC. 6.** *Be it further enacted,* That the means, assets, in-<sup>Powers re-</sup>  
 come or other property of the corporation shall not be em-  
 ployed directly or indirectly for any other purpose what-  
 ever than to accomplish the legitimate objects of its  
 creation, and by no implication or construction shall it  
 possess the power to deal in currency, notes or coin, buy  
 and sell products or engage in any kind of trading opera-  
 tion, nor hold any more real estate than is necessary for  
 its legitimate purposes. The said corporation may have  
 the right to borrow money and issue notes or bonds upon  
 the faith of the corporate property, and also to execute  
 a mortgage or mortgages as further security for payment  
 of money thus borrowed. The entire corporate property  
 shall be liable for the claims of creditors. We, the un-  
 dersigned apply to the State of Tennessee by virtue of <sup>Application.</sup>  
 the law of the land for a charter of incorporation for the  
 purposes and with the powers, etc., declared in the fore-  
 going instrument. Witness our hands the — day of  
 ——. The signatures of the corporators must be  
 approved, and the instrument with the application and  
 acknowledgment, and the same fees paid as is provided  
 for other instruments of a like character in sections three  
 and four of chapter 142 of an Act entitled "An Act to  
 provide for the organization of corporations," passed  
 March 19, 1875, and approved March 23, 1875.

**SEC. 7.** *Be it further enacted,* That in any county in <sup>Organizations.</sup>  
 the State male citizens between the ages of sixteen and  
 sixty-five may organize themselves into companies and  
 batteries, as in this Act provided, and that companies  
 may unite and form squadrons and battalions, to be com-  
 posed of not less than two nor more than five companies,  
 which companies shall consist of not less than thirty-five  
 men rank and file; the members of any company shall  
 have power as provided in its by-laws to elect a captain,  
 a first, a second and a brevet second lieutenant, and  
 when two companies shall have united they shall have  
 power to elect a major, an adjutant, a quartermaster and a  
 surgeon, and when four companies shall have united they  
 shall have power to elect a colonel, and when more than  
 five companies shall have united they may form and  
 organize themselves into a regiment, and elect a full com-  
 plement of regimental officers. The members of a bat-  
 tery of two guns shall elect one captain, one first and one <sup>Officers.</sup>  
 second lieutenant, and shall have a roster of not less than  
 thirty active or enlisted men; for a battery of four guns  
 one captain, one first and one second lieutenant, and not  
 less than seventy active men; for a battery of six guns,  
 one captain, one first and one second lieutenant, and not  
 less than one hundred and twenty active men.

one captain, one senior and one junior first lieutenant, and one senior and one junior second lieutenant, and not less than one hundred and ten active and enlisted men; and in addition to its complement of officers and men on the active roll, each company or battery may receive and enroll contributing or honorary members, who shall be subject to such contributions, duties and services as may be prescribed by the by-laws and regulations of the company or battery. *Provided*, the whole number of active and contributing or honorary members so enrolled shall not embrace more than fifteen per cent. of the voting population of the counties in which said companies or batteries are organized.

*SEC. 8. Be it further enacted,* That the governor shall be commander-in-chief of all troops or volunteer militia organized under this Act, by whom all officers elected, as provided for in section 7, shall be commissioned.

*SEC. 9. Be it further enacted,* That after any company or battery shall have been duly organized and its officers commissioned, it shall be entitled to the use of the public arms of the State, to be drawn by the requisition of the commanding officer, accompanied by a roster of his company or battery, upon the adjutant-general; *Provided*, no arms shall be issued until a bond, with security, payable to the State, shall have first been filed with the adjutant-general in such amount as he may deem sufficient to secure the State from loss on account of the use or misapplication of such arms, equipments or other stores as may be furnished by the State, and conditioned to return the same when commanded by the governor or adjutant-general.

*SEC. 10. Be it further enacted,* That the commander-in-chief may from time to time, or as often as to him shall seem proper, inspect the military property of the State in the hands of such persons or organizations as may have the use of it, or may cause the same to be inspected by the adjutant-general or inspector-general, or such other officer as he may commission for that purpose. And whenever it shall appear that a company or battery has failed to organize or maintain its organization according to the provisions of this Act, or that the military property in the possession of such company or battery is not secure or is not being carefully cared for and preserved, then the commander-in-chief or his commissioned officer may demand and assume the custody of the same; and any person who shall sell, purchase, retain or have in his possession or custody without right, any military property

Commander in chief.

Public arms.

Inspection of military property.

belonging to the State, and shall, after proper demand, refuse to deliver the same to any officer entitled to take possession thereof, shall be liable to an action for the recovery of the possession of such property and shall be guilty of a misdemeanor.

**SEC. 11.** *Be it further enacted,* That the commander-in-chief shall have power in case of mob, riot, insurrection or breaches of the peace or imminent danger thereof, to order out in the service of the State any and all of the active members of such military organizations that he may deem necessary, and by such order the officer to whom it shall be directed shall be fully empowered to use such measures as in his judgment may be necessary to quell, suppress or prevent such tumult, riot, mob, or any acts of violence; and no officer or member of such companies or batteries, while in such active service, shall be liable to any action, civil or criminal, in any court for any act committed within the scope of his orders or duty and in obedience thereto.

**SEC. 12.** *Be it further enacted,* That companies or batteries organized under this Act shall fix certain days, not less than twelve in number, upon which in each and every year they shall meet for military instruction and drill, using the same tactics that may from time to time be in use by the United States army, and shall provide themselves with a uniform to be approved by the commander-in-chief, and with an armory suitable for the purpose of drill and the safe keeping of the arms and equipments issued by the State. They shall be entitled to no pay or <sup>Stated drills.</sup> emolument from the State, except when ordered to active service by the commander-in-chief, then ammunition, transportation and rations shall be furnished. *Provided,* however, when the armory of such battery or company is <sup>No pay.</sup> <sup>Armory ex-</sup> owned by it, and the property stands in the name of such company or battery, and is used or occupied for armory or drill purposes, said property shall be considered as devoted to scientific and educational purposes, and be exempt <sup>empt.</sup> from all taxation.

**SEC. 13.** *Be it further enacted,* That every acting and contributing or honorary member of a company or battery organized under this Act, shall, while a member of such organization, be exempt from service as jurors; *Provided,* the member claiming exemption exhibits his certificate of membership, signed by his commanding officer, certifying that the said company or battery of which he is a member has a roster as provided in section

7 of this Act, and that the said company or battery is fully uniformed, armed and equipped.

**SEC. 14.** *Be it further enacted,* That military colleges in the State and junior military organizations may be enrolled by the adjutant general at his discretion, subject to all the requirements of this Act, except as to age and numbers, and shall be entitled to all the benefits of same.

Juniors.

Ordnance re-  
ports.

**SEC. 15.** *Be it further enacted,* That the commanding officers of all organizations formed under this Act, shall quarterly, under oath, make reports and ordnance returns to the adjutant-general, and shall account for loss and destruction of all arms and accoutrements.

**SEC. 16.** *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 2, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 88.

AN ACT to amend section 3278 of the Code of Tennessee by Milliken and Vertrees, (section 2429 of the Code.)

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 3278 of the Code of Tennessee, by Milliken & Vertrees, be amended as follows: If the personal estate, as to which any person dies intestate and who was a lunatic or *non compos mentis*, was derived in whole or in part from an intestate

husband or wife, then in that event so much of the personal estate as was derived and remains unexpended or in the possession of any guardian or custodian of the estate of said lunatic or *non compos mentis*, shall go to the next of kin of the person from whom it was so derived, said next of kin to take in the order named in said section in the case of the personal estate of intestates.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 1, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 89.

**AN ACT** to amend chapter 145 of the Acts of 1883, entitled "An Act to provide for the erection of an insane hospital in the Eastern division of Tennessee," and for the completion of the same.

WHEREAS, The report of the building directors and medical superintendent of construction provided for in sections 1 and 2, chapter 145 of the Acts of 1883, for the erection of an insane hospital on the tract of land owned by the State, near Knoxville, Tenn., shows that the said building is in an advanced state of completion, and that the contract for the construction thereof thus far let have exhausted the appropriation from the State treasury for that purpose ; and,

WHEREAS, It is highly desirable and necessary that said structure should be completed at as early a day as practicable, in order that the insane of the State now needing hospital accommodations and care, many of whom

are languishing in the county jails and poor-houses of the State, should be received into proper hospital; therefore,

~~\$95,000 appropriated.~~

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the completion of said hospital structure, and placing it in readiness and thorough equipment for the occupation of patients, the sum of ninety-five thousand dollars be and the same is hereby appropriated for that purpose.

~~Warrants.~~

SEC. 2. *Be it further enacted,* That the comptroller of the State shall issue warrants on the treasurer of the State for such amounts of the said appropriation as from time to time the building directors now in charge of the erection of said building may make requisition for under a written certificate.

~~Formal trans-~~

~~fer.~~

~~Officers con-~~

~~tinued.~~

SEC. 3. *Be it further enacted,* That upon the completion of the structure the said building directors shall notify the governor of the State of the fact, who shall formally receive the same and deliver it to the board of trustees named in section 6, chapter 145 of the Acts of 1883, or such other trustees as the General Assembly by law may direct.

SEC. 4. *Be it further enacted,* That the general provisions of said Act regarding the duties of said board and of the superintending physician and architect they may have employed, shall continue in force under this Act until the work in their charge shall be completed and delivered to the governor as above provided.

Passed April 2, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 90.

**AN ACT** to amend the Act of March 8, 1883, entitled "An Act to amend the Act of March 19, 1875, entitled An Act to provide for the organization of corporations," so as to provide by general law for the organization of jockey club companies.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 3 of the Act of March 8, 1883, be and the same is hereby amended as to read after the words "whether for racing or otherwise," the said company also has power to exhibit and display the products of agricultural, horticultural and mechanical arts.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 91.

**AN ACT** to abolish the charter of incorporation of the town of Jacksboro, in the county of Campbell.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of incorporation of the town of Jacksboro, in the county of Campbell, be and the same is hereby abolished.

**SEC. 2. Be it further enacted,** That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 92.

**AN ACT to authorize certain orphan asylums to receive, take charge of and care for certain minor children, to procure homes for them in adoption, and to provide for a portion of the expenses of said asylum.**

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That all orphan asylums or houses for destitute children, heretofore chartered or incorporated or which may hereafter become so incorporated, under the laws of the State of Tennessee, shall be severally governed by a board of managers, trustees or directors, which shall consist of twelve or more persons, five or more of whom shall constitute a quorum.

**SEC. 2. Be it further enacted,** That all such boards of managers, trustees or directors as consist or shall hereafter consist of women, shall severally elect an advisory board of men to whom they may refer all matters wherein they may need to be instructed.

**SEC. 3. Be it further enacted,** That all asylums or houses for destitute orphans or indigent white children heretofore chartered or incorporated, or which may hereafter become incorporated under the laws of the State of Tennessee, at the option of its board of managers, trus-

Advisory  
board of men.

White children  
under age.

tees or directors, may receive or take charge of any destitute white orphan or indigent white child of either sex, or children of indigent white parents under eighteen years of age from any part of the State. Said children shall be under the exclusive jurisdiction and control of said board of managers until they arrive at the age of twenty-one years. Said board of managers, trustees or directors may at their discretion require the parents of such indigent children to surrender all right and claim to the control of them and to consent for the said asylum to provide homes for them by adoption by proper and suitable parties for the purpose of caring for and educating them, teaching them trades and household duties generally.

*Parents to surrender all control.*

SEC. 4. *Be it further enacted,* That no child shall be received into said asylum or detained therein except that the welfare of the child may be thereby promoted, nor shall any child be indentured or given away in adoption except that the best interest of said child shall be thereby secured.

SEC. 5. *Be it further enacted,* That the board of managers, trustees or directors of said asylum shall cause all children over six years of age in such asylum to be instructed in such branches of useful knowledge as may be suited to their years and capabilities, and cause the girls to be taught domestic vocations, such as sewing, mending, knitting and house-keeping in all its departments. The boys shall be taught such useful trades as the board may direct, and all children in said asylums, who are of sufficient age shall be taught according to the course of the common schools in this State.

SEC. 6. *Be it further enacted,* That the expenses of said asylum shall be as follows, to-wit: At the end of each fiscal year each of the several boards of managers of the said asylums shall make a statement of the financial condition of the asylum under its control, which shall especially show how much the necessary expenses of the asylum exceeded its income, and this excess shall be paid by the several counties in the State that had a child or children in said asylum for any part of the fiscal year; each county to pay so much *per capita* according to the number of children from that county in the asylum and the length of time that they were there. And of all these particulars, strict, accurate and systematic accounts shall be kept by the officers of said board, and when the *pro rata* of any county shall be thus ascertained and a statement of the same shall have been brought to the

*Best interest of child interested.*

*Expenses of asylums.*

*Accounts.*

notice of the county judge, chairman of the county court or financial agent of any such county, it shall be his duty to forthwith draw his warrant on the county trustee of his county in payment of the same; *provided*, that no county shall be liable to pay at a greater rate than \$50 *per capita* per annum for each child it had in the asylum; *provided*, no county shall pay any expenses of any children in said county unless said child or children be apprenticed to or sent to said asylum by the proper authorities and by proper orders of the county court of said county.

*SEC. 7. Be it further enacted,* That any one of said inmates at ex-asylums may at discretion, receive any child placed in its care and keeping by its parents or guardian or those having the child in charge, and may keep and care for said child until it is twenty-one years of age, unless sooner taken away by the request of its parent or parents, or those having guardianship or control of said child. But said asylum shall not receive any child under this section, until its parent or parents or guardian or person having child in charge, shall satisfactorily agree with the officers of said asylum to supply sufficient funds or such portion of said funds as the board of managers may agree upon for the maintenance of the child therein during its stay, and shall further agree to abide by all rules, by-laws and requirements of said asylum. Should a child be admitted having a guardian lawfully appointed and qualified, who has money or property of such child under his control, such guardian shall be required to pay to said asylum such portion of said child's funds as he may lawfully use, or he may be authorized to use for said child's support.

*SEC. 8. Be it further enacted,* That said incorporations Power to hold property. may own and hold real and personal property necessary for building, cultivation and to rent out to raise means to assist in the support of same.

*SEC. 9. Be it further enacted,* That all asylums or houses for the support of destitute colored orphans, or indigent colored children or children of indigent colored parents, heretofore chartered or incorporated, or which may hereafter become so incorporated under the laws of the State of Tennessee, may receive and take charge of any destitute colored orphan or indigent colored child of either sex, or children of indigent colored parents under eighteen years of age from any part of the State under the provisions of this Act.

Colored asy-  
lums.

SEC. 10. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 93.

AN ACT to provide for furnishing the Code of Tennessee, compiled under a joint resolution of the Forty-Third General Assembly to the Justices, Clerks, Judges and Chancellors of this State.

WHEREAS, the Forty-third General Assembly authorized, directed and empowered Messrs. W. A. Milliken and Jno. J. Vertrees to revise digest and qualify all the general statutes in force in this State forty days after the adjournment of said General Assembly, and to publish same in one volume to be entitled "Code of Tennessee," and undertook for the State to purchase from them such number of copies of same as should be necessary for her service; and, whereas, said parties have in pursuance of said authority and direction prepared said work and published same as required, and have reported their action to this General Assembly for their ratification, and the same has been examined by a joint committee of this General Assembly and reported upon with a recommendation for its acceptance and purchase by the State after certain corrections have been made therein, which report has been adopted by this General Assembly; therefore,

Purchase by  
State.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That so soon as the corrections suggested by said committee have been made by the publishers, the Secretary of State be and is hereby authorized and directed to purchase for the State from said publishers at the price of seven dollars and fifty-cent (\$7.50) per copy a sufficient number of copies of the said Code of Tennessee, compiled by Messrs. Milliken and Vertrees to supply the clerks, justices, judges and chancellors of this State with a copy each of same, and to have those for the officials of each county safely packed for shipment and shipped to the chairman or county judge of each county, to be by him distributed to the officers entitled to same as above named. Said "Codes" are to be held and preserved by said officials as other books and property belonging to said officers as now held by law. When said "Codes" are delivered by the publishers and received, the secretary of state shall certify and approve the account for same. Upon said account being so certified and approved, the comptroller of the State is hereby authorized and directed to issue his warrant to the publishers on the State treasury for the amount of same which shall be paid by the treasurer out of any monies in the treasury not otherwise appropriated.

**SEC. 2.** *Be it further enacted,* That in case any county or counties have heretofore purchased said "Code" the amounts paid by such counties shall be refunded them.

Passed April 2, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 94.

**AN ACT** to re-enact and amend "An Act to facilitate the trial of causes in the supreme court at Knoxville, Jackson and Nashville," passed and approved March 30, 1883.

WHEREAS, Under the provisions of this Act, commissioners of referees were appointed on the 15th of May, 1883, for the term of two years from that date; and whereas the commissioners of referees for the eastern and western divisions of the State sitting at Knoxville and Jackson will have completed the labors devolved upon them by the 15th of May, 1885; and,

WHEREAS, On account of the much larger number of causes on the supreme court docket at Nashville, the commissioners of referees for the middle division of the State sitting at Nashville, will not be able to complete the labors devolved upon them by the 15th day of May, 1885; and,

WHEREAS, Said Act will expire by limitation at this date; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the said Act of March 30, 1883, be re-enacted in all things relating to the causes on the docket of the supreme court at Nashville, and to the commission of referees for the middle division of the State sitting at Nashville. But the said Act as to the commission of referees for the western and eastern divisions of Tennessee shall not continue after the 15th of May, 1885.

**SEC. 2.** *Be it further enacted,* That the term of office of the members of the commission of referees for the middle division of the State now sitting at Nashville, be extended and continue until the 1st day of May, 1886; Term expires May 1, 1886. Provided the business referred to them shall not be sooner finished. And the supreme court may refer to said commission of referees all civil causes not heretofore referred to them (except revenue causes) that may be pending in the supreme court at Nashville prior to the 1st day of May, 1886.

**SEC. 3.** *Be it further enacted,* That nothing in this Act shall be construed to extend the terms of the commissioners of referees for the eastern and western divisions

of the State, but they shall expire as provided in the Act creating them, and said Act is hereby amended accordingly.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 95.

AN ACT to be entitled an Act to authorize the several counties in this State to adopt more efficient measures of promoting the public health.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the county judge or chairman, the county court clerk, and the county health officer, or jail physician, are hereby constituted a county health board, with the jail physician or county health officer as president, who shall have the management of the general health of the county, and shall insti-

County board  
of health.

tute such measures therefor as they may think best, and when cholera or yellow fever, or other contagious and epidemic diseases are either threatened or exist in their county, it shall be the duty of the county health officer or jail physician to report to the State board of health at once, and as often thereafter as they may think proper, and the county board shall adopt and carry into effect such rules and regulations as may be prescribed by said State board of health, having for their object the restriction and suppression of such diseases.

**SEC. 2. Be it further enacted,** That the necessary expenses incurred by said county board of health in preventing or restricting such epidemic diseases, as well as for the protection and promotion of the general health of the county, are hereby made a county charge, and the county court shall order the payment of the same out of the funds of the county.

**SEC. 3. Be it further enacted,** That any person violating any rule or regulation of said board of health, having for their object the prevention, restriction or extinction of epidemic and contagious diseases in the county, or the promotion of the general good health of the same, and shall fail to comply with said rules and regulations after a written notice pertaining thereto is served upon him or her, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars, or confinement in the county jail, for each offense, at the discretion of the court.

**SEC. 4. Be it further enacted,** It shall be the duty of the county courts, where there are jails in their counties, at the first quarterly term after the passage of this Act, except in those counties where such officers have already been elected, to elect or appoint a jail physician or health officer, for their respective counties, whose duty it shall be to render medical and surgical attention to patients of the county confined therein awaiting trial, or who are under conviction by the courts of the county; and who shall hold office till the following January term of the court, when the successors to all county health officers throughout the State shall be elected by them for a period of four years, and so on quadrennially.

**SEC. 5. Be it further enacted,** That compensation to jail physicians, or county health officers, shall be such as the county court may fix.

**SEC. 6. Be it further enacted,** This Act shall not be construed as conflicting with existing municipal boards of health throughout the State.

**SEC. 7.** *Be it further enacted,* All laws or parts of laws in conflict with this Act are hereby repealed.

**SEC. 8.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 96.

**AN ACT** to secure manufacturers and owners of railroad equipments and rolling stock in making conditional sales, and certain contracts for the lease thereof.

Lien retained  
by vendor.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That in any written contract of or for the sale of the railroad equipments or rolling stock, deliverable immediately or subsequently at stipulated periods, by the terms of which the purchase money in whole or in part is to be paid in the future, it may be agreed that the title to the property so sold or contracted to be sold shall not pass to or vest in the vendee until the purchase money shall have been fully paid, or that the vendor shall have and retain a lien thereon for the unpaid purchase money, notwithstanding delivery thereof to and possession by the vendee; *Provided*, that the terms of credit for the payment of the purchase money shall not exceed six years from the execution of the contract.

Conditional  
sale.

**SEC. 2.** *Be it further enacted,* That in any written contract for the leasing or renting of railroad equipments or rolling stock, it shall be lawful to stipulate for a conditional sale thereof at the termination of such lease, and to stipulate that the rentals received may, as paid or when

paid in full, be applied and treated as purchase money, and that the title to such property shall not vest in such lessee or vendee until the purchase money shall have been paid in full, notwithstanding delivery to and possession by such lessee or vendee, subject, however, to the proviso contained in section 1 of this Act.

**SEC. 3.** *Be it further enacted,* That every such contract specified in sections 1 and 2 shall be good, valid and effectual, both in law and equity, against all purchasers and creditors. *Provided, first,* the same shall be acknowledged by the vendee or lessee before some officer authorized by law to take acknowledgments of deeds; *second,* such instrument shall be registered in the office of the register of the county in which at the time of the execution thereof is situated the principal office of the vendee or lessee in this State, and in the office of the Secretary of State; *third,* each locomotive engine or car so sold or contracted to be sold or leased as aforesaid shall have the name of the vendor or lessor, or the assignee of such vendor or lessor, plainly placed or marked on each side thereof, or be otherwise marked, so as to indicate the ownership thereof.

**SEC. 4.** *Be it further enacted,* That this Act shall not be held to apply to or invalidate any contract heretofore made of the character described in the 1st or 2d section, but the same shall be and remain valid.

**SEC. 5.** *Be it further enacted,* That the acknowledgments of such contracts may be made in the form required as to conveyance of real estate.

**SEC. 6.** *Be it further enacted,* That all Acts or parts of Acts in conflict with this Act, are hereby repealed.

**SEC. 7.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

13—Acts.

## CHAPTER 97.

AN ACT to amend section 1 and to repeal section 2 of an Act passed January 24, 1879, entitled "An Act to fix the compensation of Judges and Chancellors."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section one of an Act passed January 24, 1879, entitled "An Act to fix the compensation of judges and chancellors," be so amended as to read as follows: That each chancellor, circuit court judge (except county judges,) and judges of special courts hereafter elected or appointed, shall be entitled to and receive a salary of two thousand five hundred dollars per annum.

SEC. 2. *Be it further enacted,* That section 2 of said Act be, and the same is hereby repealed.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 98.

AN ACT to authorize the counties of this State to issue bonds of a certain character, for certain purposes and under certain restrictions.

Bonds to fund  
judgment cer-  
tificates. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several counties of this State are hereby vested with authority, acting by and through their county courts, at a regular quarterly term

of said courts, to issue coupon bonds for the following purpose, to-wit: for the purpose of funding or of raising money to pay off their judgment certificates outstanding on the first day of January, 1885, which they may have issued under the provisions of an Act passed by the first extra session of the Forty-second General Assembly, on the 19th day of December, 1881, and approved 21st day of December, 1881, and being chapter 1 of the Acts of said extra session.

**SEC. 2. Be it further enacted,** That the bonds authorized by this Act may be issued in such denominations and payable when and where it may seem to county courts best fitted to accomplish the object in view, except as hereinafter limited; *Provided*, the period of the maturity of said bonds shall not be less than one or more than twenty-five years, and that all of the said bonds shall be payable at the option of the county issuing them after five years from the date of issuance, upon such notice as the county courts issuing them may prescribe, the conditions of which notice shall be recited in the face of said bonds; *Provided further*, that no county shall for these purposes issue bonds for a greater amount than its indebtedness, evidenced by said judgment certificates on the 1st day of January, 1885; that no county shall sell or dispose of any bonds issued under this Act at less than par; that said bonds shall not bear a greater rate of interest than six per cent. per annum; and, *provided further*, that the several counties issuing bonds under this Act shall only issue them in such amounts as that the same or their proceeds can be immediately applied to the purposes herein designated; and, *provided further*, that all said bonds shall show on the face thereof that the same are issued to fund or pay off, as the case may be, the indebtedness of the counties issuing them, on account of judgment certificates issued under the provisions of the Act aforesaid.

**SEC. 3. Be it further enacted,** That it shall be the duty of the county courts of the several counties issuing bonds under the provisions of this Act, to divide as near as may be the whole indebtedness to be funded or paid off, into equal annual installments including principal and interest, the number of installments to equal the number of years said bonds shall run, counting from the maturity of the shortest to that of the longest bond, and a sufficient number of said bonds shall be made to mature each year in such amount or amounts as that the same, together with the coupons payable in said year, shall be equal to one of said installments; *Provided*, that the failure of the county

Denomina-  
tion, term, &c.  
of bonds.

courts to comply with the requirements of this section shall not invalidate said bonds.

*Judgment certificate tax.* SEC. 4. *Be it further enacted,* That the several counties issuing bonds under this Act are hereby required to levy a special annual tax, to be denominated "the judgment certificate tax," sufficient to meet the bonds and coupons maturing each year, and the said coupons shall be receivable in payment of all taxes and dues to the county.

*Mandamus to compel tax levy.* SEC. 5. *Be it further enacted,* That the county courts of said counties issuing bonds under the provisions of this Act shall, at the regular imposition of taxes next preceding the maturity of any of said bonds, fail or refuse to levy any or a sufficient judgment certificate tax to meet all such bonds and coupons maturing in such year, that the owner and holder thereof shall have all the rights and remedies for compelling by mandamus or otherwise the imposition of a sufficient tax to pay such bond or bonds as is now given to a person owning a judgment against a county under title 4, chapter 5, of the Code of Tennessee.

*Felony to tamper with bonds or funds.* SEC. 6. *Be it further enacted,* That any fraudulent or wilfully wrongful act in the issuance or sale of bonds provided for under this Act, or misappropriation of the proceeds arising from the sale of said bonds is hereby declared a felony, and the person or persons guilty thereof shall, on conviction, be punished by confinement in the penitentiary for not less than two or more than ten years.

SEC. 7. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 99.

AN ACT to amend an Act passed January 29, 1879, entitled "An Act to establish taxing districts in this State, and to provide the means of local government for the same," so as to require the bank selected by the county trustee as the depository for the taxes collected for the benefit of the taxing districts to give bond conditioned for the safe-keeping and accounting for said funds.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 9 of the Act aforesaid, be amended so as to add thereto the following, viz.:  
 That the bank or banks selected by the county trustee for the deposit of the taxes levied by the Legislature and collected by the trustee for the use and benefit of the taxing district, shall be required to give a bond annually, payable to the State of Tennessee for the use of the taxing district, with sufficient sureties, and to any amount, not exceeding \$500,000, as the legislative council of said taxing district may require, conditioned for the faithful accounting for all deposits therein of revenue and taxes levied and collected for the use of the taxing district.

**SEC. 2.** *Be it further enacted,* It is made the duty of the county trustee to see that said bond is given by the bank before making a deposit therein. Said bond is to be given ten days after the passage of this Act, and is to be approved by the legislative council of the taxing district, and filed in their office for safe keeping, and the said legislative council shall at all times, for just cause, have the right to require said bond to be strengthened or a new security given thereon.

**SEC. 3.** *Be it further enacted,* That the trustee be not hereby released from giving any bond at present required of him by law, or his sureties for any liability thereon.

**SEC. 4.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY.

*Speaker of the Senate.*

J. A. MANSON,

*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,

*Governor.*

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## CHAPTER 100.

AN ACT to authorize Montgomery county to fund its bonded indebtedness, and to issue more bonds therefor.

WHEREAS, A portion of the funded indebtedness of Montgomery county falls due in 1886, and the remainder in 1888 ; therefore,

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,* That in order to enable the county of Montgomery to meet this indebtedness, the quarterly court of said county may issue coupon bonds at a rate of interest not exceeding six per cent., and payable semi-annually, these bonds to be in sums or denominations of \$100, \$500 and \$1,000, to be due and payable ten years after their issuance, and redeemable at the option of the county at such time or times as the quarterly court may direct, the time at which each bond is redeemable to be expressed on the face of the bond. They shall be signed by the county judge, and countersigned by the clerk of the county court.

*SEC. 2. Be it further enacted,* That none of these bonds shall be sold at less than par, and a record shall be kept and spread upon the minutes of the court, showing the number and denomination of each bond issued, the name of the person to whom it was sold, and the price for which it was sold. And the money derived from the sale of said bonds shall be expended in retiring the present bonded indebtedness of the county, and for no other purpose whatever, and each of the present outstanding bonds as it is taken up shall be cancelled by the county judge and exhibited to the quarterly court at its next session, and disposed of as the court may direct.

Passed April 3, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 101.

**AN ACT** to refund to J. J. Phillips, former trustee of Overton county, money overpaid by him on final settlement.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the comptroller be, and he is hereby authorized and directed to issue his warrant to J. J. Phillips for the sum of twenty dollars and seventy cents, the amount of State tax overpaid by him in his final settlement, by mistake, as trustee of Overton county for the year 1883, and said amount is hereby appropriated out of any money in the treasury not otherwise appropriated.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 102.

**AN ACT** to change the county line between the counties of James and Meigs.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between James and Meigs counties be so changed as to include the whole of John Hoyal's farm, on the Tennessee river, in the county of Meigs.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 103.

AN ACT to change the time of holding the circuit court in the county of Grundy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the circuit court of Grundy county shall be held on the first Tuesday after the third Monday in January on the first Tuesday after the third Monday in May, and on first Tuesday after the third Monday in September.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 7, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 104.

**AN ACT** to change the county line between Jefferson and Hamblen counties.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county line between the counties of Jefferson and Hamblen be so changed as to include the lands of G. M. Bowen and his wife, Mary Bowen, in Jefferson county.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 105.

**AN ACT** to create and regulate the office of county judge in the county of Jefferson.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected by the qualified voters of Jefferson county a person learned in the law, to be styled the county judge, who shall hold his office for the term of eight years from the date of his commission.

**SEC. 2.** *Be it further enacted,* That the first election for county judge shall be held at the same places and by

**First elections** the same officers that other county elections are held on the first Thursday in August, 1886, and under the same rules and regulations that are prescribed for other county elections, and all subsequent elections (except for vacancies, which shall be held whenever they occur upon giving twenty days' notice) shall be held on the first Thursday in August every eight years thereafter.

**Commission, bond, etc.** SEC. 3. *Be it further enacted*, That the county judge for said Jefferson county shall be commissioned in the same manner as other judges of the State, and before entering upon the duties of said office he shall take an oath to support the constitution of the United States, and of the State of Tennessee, and an oath faithfully to discharge the duties of said office, and shall also enter into bond in the penalty of twenty thousand dollars conditioned faithfully to account for all monies and county property that comes to his hands as such county judge.

**Quorum court superseded.** SEC. 4. *Be it further enacted*, That the quorum court of said county is hereby abolished, and the judge shall have and exercise all the jurisdiction and powers now belonging to said quorum court. He shall preside over the quarterly sessions of the county court, which shall be held as heretofore, and shall have and exercise the same powers, jurisdiction and authority which now belong to or are exercised by the chairman of the county court, and shall perform the same duties as are required by said chairman, either in or out of said county court, whether in session or not.

**Term of court perpetual.** SEC. 5. *Be it further enacted*, That the county court to be held by the county judge shall hold its regular sessions on the first Monday of each month, provided that on the Monday of the quarterly session of the county court all the business requiring the presence of all or any of the justices of the county shall be first disposed of, after which the county judge shall dispose of such other business before the court as by the provisions of this Act is directed to be attended to by him; and said judge shall keep his court open for the transaction of business from day to day during each and every month, and shall have power to keep order by imposing such fines as will effect that purpose.

**Powers of county judges.** SEC. 6. *Be it further enacted*, That all the jurisdiction and power of the present county court over administrators, executors, guardians, wards, trustees, wills, dower and partition sale or division of lands and of all testamentary and administrative matters or subjects connected therewith, and questions of lunacy are abolished and the

same are hereby transferred and given to the county court, to be held by the county judge, who shall have all jurisdiction, power and authority now exercised as possessed by the county court over all the questions and all other jurisdiction, power and authority over all these subjects which may be necessary and proper in the exercise thereof, provided that either party may have the right of appeal from any judgment, order, decree or action of said county judge as is now allowed by the laws of this State in other cases.

**SEC. 7. Be it further enacted,** That the county court <sup>Clerk.</sup> clerk shall be and continue the clerk of the county court, to be held by the county judge, and shall have all the powers, jurisdictions and authority now possessed by him.

**SEC. 8. Be it further enacted,** That the county judge <sup>Accounting officer and general agent.</sup> shall be the accounting officer and general agent of the county, and as such shall have the power, and it shall be his duty,

1. To have the care and custody of all the county property, except such as is by law placed in the custody of other officers.

2. To control all books, papers and instruments pertaining to his office.

3. To audit all claims for money against the county.

4. To draw all warrants upon the county treasury.

5. To audit and settle the accounts of the county trustee, and those of any other collector or receiver of the county revenue, taxes or income, payable in the county treasury, and those of any other person entrusted to receive or expend any money of the county, and require said officers or persons to render and settle their accounts as directed by law, or the authority under which they may act.

6. To enter in a book to be known as the warrant book in the order of issuance, the number, date, amount and name of the drawer of each warrant drawn upon the treasury.

7. To keep in a suitable book an account of the receipts and expenditures of the county in such a manner as to show clearly the assets of the county, and the debts payable to and by it, balancing said account annually, and generally to superintend the financial concerns of the county.

8. No money shall be drawn out of the county treasury except upon a warrant issued by the county judge.

9. The duties directed to be performed by the clerks

of the county court in the administration of insolvent estates shall be as heretofore.

SEC. 9. *Be it further enacted*, That the county judge shall receive five hundred dollars annually as compensation for his services, and the several quarterly courts are hereby authorized to make additional compensation to the judge by appropriations for that purpose, to such amount as such quarterly court may deem right, and said judge shall be paid his compensation quarterly out of the county treasury upon the judge's own warrant.

Docket. SEC. 10. *Be it further enacted*, That it shall be the duty of the clerk of said county court to keep a docket of all the cases to be tried in said court, as are now kept by the clerks of the circuit court.

SEC. 11. *Be it further enacted*, That it shall be the duty of said clerk to enter upon said docket all suits, motions and actions that may come before said court for trial, and all suits, motions and actions shall be tried in order as they appear on said docket.

SEC. 12. *Be it further enacted*, That said county judge shall not be precluded from practicing in the supreme, chancery, circuit and criminal courts in this State, but shall not be permitted to act as counsel in any case going up from his own court.

SEC. 13. *Be it further enacted*, That whenever it shall so happen from sickness or other causes that the county judge is unable to attend his court, then the governor shall appoint some suitable person to hold the court until the disability is removed.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 106.

AN ACT to repeal an Act incorporating the town of Farmington, in the county of Marshall, and to abolish the corporation of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed December 14, 1835, and entitled "An Act to incorporate the town of Farmington," and all Acts amendatory thereof, be and the same are hereby repealed, and the corporation of the said town of Farmington is hereby abolished; *Provided*, that the corporate debt, if any, shall in no way be released by the repeal of said charter.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 107.

AN ACT to amend section 103b of Thompson & Steger's Code, so as to require all appeals from the courts of Fentress county to be taken to the supreme court at Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the law embraced in section 103b of Thompson & Steger's Code, be so amended that hereafter all the appeals from the courts of Fentress

county shall be taken to the supreme court at Knoxville, instead of Nashville.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 108.

AN ACT to authorize the county court of Hancock county to issue bonds to build a courthouse.

Bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Hancock county, a majority of the justices voting therefor, are hereby authorized to issue bonds of the county, payable at such time and place and in such amounts as may seem proper, at a rate of interest not exceeding six per cent. per annum, the aggregate amount of said bonds not to exceed twenty-five thousand dollars, the proceeds of said bonds to be applied to the purpose of erecting a courthouse.

Signed and sealed.

Coupons.

SEC. 2. *Be it further enacted*, That said bonds before issued shall be signed by the chairman of the county court and countersigned by the county court clerk, with his official seal of office affixed thereto.

SEC. 3. *Be it further enacted*, That each bond shall have attached coupons showing the amount of each annual installment and interest on said bond, and when the same shall fall due. Each coupon shall be signed in the

same manner as the bonds, without the official seal of the court. The coupons when due shall be receivable for taxes due the county levied under provisions of this Act, and when so received or paid off by the revenue collector of the county shall be by him cancelled by perforation and by stamping on the face of the same the date of such payment, to be held by him as his vouchers on his settlement.

**SEC. 4.** *Be it further enacted,* That the name of the <sup>Register.</sup> party to whom such bond is issued, the numbers, dates and amounts shall be entered by the clerk of the county court as the same is issued, in a well bound book, to be kept by him, and the revenue collector as he pays and takes up the coupons shall enter the date of payment and amount of coupons under its corresponding bond in said book.

**SEC. 5.** *Be it further enacted,* That in order to meet <sup>Special tax.</sup> the annual payments as they fall due, the county court, at the time it levies taxes for other purposes in each year, shall levy a special tax on all taxable property, polls and privileges in the county sufficient to pay each installment of the principal debt and interest, to be collected by the revenue collector as other taxes, and the same when collected shall be used for the payment of said installments and interest, and none other.

**SEC. 6.** *Be it further enacted,* That the chairman and <sup>Compensation.</sup> county court clerk shall be allowed such compensation for their services under this Act as the county court at its quarterly term shall allow.

**SEC. 7.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 109.

AN ACT to change the line between the counties of Hardeman and Chester.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Hardeman and Chester be so changed as to include the lands of Jeremiah Hooper, William Howell, R. C. Howell and Jasper Shelton in Hardeman county.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 110.

AN ACT to abolish the corporation of the town of Cloverport, in the county of Hardeman.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporation of the town of Cloverport, in Hardeman county, be, and the same is hereby abolished.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 111.

**AN ACT** to change the time of holding the circuit and chancery courts in the county of Morgan.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the circuit and chancery courts for the county of Morgan shall be begun and held on the last Mondays of February, June and October of each year, and that all process be made returnable accordingly, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 112.

**AN ACT** to abolish the charter of the town of Monteagle.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Monteagle, Tennessee, be and the same is hereby repealed, and the corporation of said town is hereby abolished.

14—Acts.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.  
Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 113.

AN ACT to amend the charter of the city of Chattanooga, Tennessee, and all Acts amendatory thereto.

Additional  
powers con-  
ferred on po-  
lice commis-  
sioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the powers invested in the police commissioners of the city of Chattanooga, by the Act of March 29, 1883, entitled An Act to amend the charter of the city of Chattanooga, Tennessee, and all Acts heretofore passed amendatory thereof, the said police commissioners shall also have power to appoint a suitable city workhouse or jail keeper and a stationhouse keeper, and all guards necessary to manage prisoners, and said commissioners shall have full management of said workhouse or city prison, and the pay of jailer, stationhouse keeper, guards and the other expenses for salaries of guards and management of said prison and prisoners shall be paid by the mayor and aldermen as hereinafter provided, and the police commissioners shall have power to appoint and employ as many detectives for the detection of felonies as in their judgment may be necessary to secure a proper enforcement of the laws and ordinances of said city, to be paid such salary and compensation as are allowed other members

of the regular police force. Said appointees shall hold their offices and positions during the pleasure of the commissioners, provided, that no appointment shall continue for a longer period than two years; and in order that the efficiency of the detective services may not be impaired by the publicity of names of detectives, the police commissioners are authorized to make requisition on the mayor and aldermen in favor of the president of the police commission for the compensation of not more than one secret detective at any one time, certifying that service was *bona fide* rendered and taking the receipt of such detectives for such compensation, witnessed by at least one other member of the police commission, or the chief of police, which receipt shall be filed with the secretary of the police commission.

SEC. 2. *Be it further enacted*, Said police commissioners shall have power to make all rules and regulations for the government of the police force and for the government of their own body, and they may designate one of their members as president of the police commissioners and one as vice-president, and one as secretary of the police commission, and the said police commission shall have power to name and designate the officers necessary to govern and manage the police force appointed by them and to fix the rate of pay or compensation of all officers and guards appointed by them; *provided*, that said police commissioners shall not increase the number of them in their department, nor the pay or wages of the members thereof, except as hereinafter provided, and said police commissioners shall have power to confer police powers upon private watchmen, to be exercised only on the premises where appointed, but no compensation or pay shall be allowed or paid to private watchmen for any such service.

SEC. 3. *Be it further enacted*, That there shall be appointed by the mayor of the city of Chattanooga five citizens of the city of Chattanooga, not related to the mayor within the sixth degree, who have resided in said city at least five years preceding their appointment, one of whom shall be by him designated as president of the board to serve two years, to constitute and act for said city as a board of public works, each of whom shall give like bond as is provided for the police commissioners, and take an oath before the mayor or any justice of the peace of said city, to faithfully discharge all of the duties of said office before entering upon the performance thereof. Not more than three of these commissioners shall

May make  
rules and reg-  
ulations and  
designate po-  
lice officers.

**Terms of office of board.** be appointed from any one political party. This board shall be appointed on or before the second Tuesday in October, 1885, and one member thereof shall be appointed for one year, one for two years, one for three years, one for four years and one for five years, from the date of their appointment, and thereafter they shall be appointed and hold their office for five years respectively, or until their successors are in like manner appointed and qualified, and said members of the board of public works shall enter upon the discharge of their duties on the first Monday after the third Thursday in November, 1885, or as soon thereafter as practicable. The president of said board shall receive a salary of two thousand dollars per annum, and each other member shall receive a salary of five hundred dollars per annum, payable out of the city treasury, as hereinafter provided; all vacancies occurring in said board by death, resignation, removal from the city or otherwise, shall be immediately filled by the appointment of the mayor, and in case the office of president of the board of public works should become vacant by reason of the expiration of his term of office as a member of the board, then the mayor shall immediately appoint another president for the unexpired term.

**Salaries.**

**Vacancies; how filled.**

**City attorney, treasurer, auditor, and registration officers; how appointed.**

**Fire department and officers thereof.**

SEC. 4. *Be it further enacted*, That the mayor and aldermen shall have power to appoint a city attorney, a city treasurer or tax collector, and a city auditor and three officers of registration of voters, and not more than two of said officers of registration shall be selected from the same political party; and all other officers and employes of the city, except as in this Act provided, shall be appointed by the board of public works. The city attorney shall at all times give legal advice and service to the respective boards herein provided for when said service is required in the interests of the city or to defend the official acts of the respective boards, when called upon by the president of any board herein provided for. The said board of public works shall have full power and control over the fire department of said city, and shall have power to make rules and regulations for the government thereof, and designate the different officers necessary for the proper control and management of the fire department, and shall organize and officer the respective fire companies, and make all contracts and purchases necessary in connection with said fire department, but they shall not increase the number or pay of the members of said fire department, except as hereinafter provided. And said board of public works shall have full

control of the gas and water supply of the city, and the making of all contracts for the repairing, building, grading, paving or otherwise improving of the streets, alleys and sidewalks, the building and repairing of culverts, sewers, bridges and public buildings for the city, and of all improvements whatever, and shall have full power to make all necessary contracts in relation thereto; *Provided*, no such work shall be authorized, or contract let, or pay-roll or account shall be approved, except at an open session of said board, of which every member shall have due notice, and at which at least three members shall be present.

*SEC. 5. Be it further enacted,* That said board of public works may appoint and fix the salaries of city engineer and city physician, and may employ or appoint as many agents, attorneys or other persons as may in their judgment be necessary to do or perform any work or service required in any branch of the public business committed to the charge of said board of public works, the salaries or compensations allowed same to be payable out of the city treasury upon the rolls or accounts of said board, which must be approved in open session and certified to the mayor and aldermen, as hereinafter provided.

*SEC. 6. Be it further enacted,* That all such contracts as may be required for the building or repairing of the streets, sewers or public buildings, or the purchase of material or apparatus, when the amount exceeds one hundred dollars, shall be awarded by contracts, made after ten days' advertising, to the lowest bidder who can secure the performances of his offer to the satisfaction of said board; but said board of public works may reject any or all bids, and advertise anew; and, *provided further*, that no member of said board, or officer or employe under them, shall be directly or indirectly interested in any contracts awarded, or participate beneficially in the receipt of any monies paid out under said contracts or any order of said board, under penalty of the forfeiture of his office and the entire sum by him or by him and others received, which penalty may be enforced by indictment for misdemeanor in office, or by suit at law before any court having jurisdiction of the amount involved, one-half of the recovery to go to the prosecutor or party suing, and the residue to the city. It shall be the duty of the president of said board to keep a full and perfect record of all the proceedings of said board from its organization, and make to the mayor and aldermen a brief and accurate report thereof at the expiration of each

Record and  
reports.

year of the term of office of said board, and shall have said report published at least one time in one or more daily newspapers of the city, payment for the same to be made by the mayor and aldermen as hereinafter provided for all accounts.

*SEC. 7. Be it further enacted,* That there shall be appointed by the mayor of the city of Chattanooga five citizens of the city of Chattanooga who have resided in

*Board of education; how appointed and organized.*

said city at least five years preceding their appointment, one of whom shall be by him designated as president of the board, to serve for two years as such, to constitute and act for said city as a board of education to serve without salary, each of whom shall take an oath before the mayor or any justice of the peace of said city to faithfully discharge all of the duties of said office before entering upon the performance thereof. Not more than three members of said board shall be appointed from the same political party. This board shall be appointed on or before the second Tuesday in October, 1885, and one member thereof shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years from the date of their appointment, and thereafter they shall be appointed and hold their office for five years respectively, or until their successors are in like manner appointed and qualified, and said members of the board of education shall enter on the discharge of their duties on the first Monday after the third Thursday in November, 1885, or as soon thereafter as practicable. All vacancies occurring in said board by death, resignation, removal from the city or otherwise, shall be immediately filled by appointment of the mayor, and in case the office of president of the board of education shall become vacant by the reason of the expiration of his term of office as member of the board, then the mayor shall immediately appoint another president for the unexpired term.

*Vacancies; how filled.*

*Board of education.*

*SEC. 8. Be it further enacted,* The board of education herein provided for shall have exclusive control of the public schools of the city, and shall appoint a superintendent for the schools and elect teachers and such employes as may be necessary to carry on the schools, and may suspend or discharge the same, and the said board of education shall have power to make all necessary rules and regulations for the control and management of said school, shall fix the salaries of the superintendent, teachers and employes, and prepare and submit pay rolls for the superintendent, teachers and employes appointed

by them, which shall be paid out of the city treasury by the mayor and aldermen in the same manner as provided for other departments of the city by this Act.

SEC. 9. *Be it further enacted*, All funds, from whatever source, arising, or received, or belonging to, or raised for any department of the city, shall be paid over to the city treasurer and retained by him, and only paid out as hereinafter provided.

SEC. 10. *Be it further enacted*, That the mayor of the city of Chattanooga, with the president of the police commission, the president of the board of public works,

and the president of the board of education, shall constitute *ex officio* a board of estimate, at which the mayor shall preside, to which the estimates of the expenses of the various city departments and boards shall be submitted,

and the amount to be allowed to each department for each year shall be apportioned to each department by the board of estimate, which shall be approved and certified to by at least three members of said board and forwarded

to the mayor and aldermen who shall by ordinance levy a tax to meet said estimates, provided that at no time shall the rate of taxation for general municipal purposes exceed two per cent. of the assessed rate of taxable property of the city for the year in which the tax is laid, and in the levy and collection of taxes for city purposes the assessment for the State and county purposes shall be taken as the basis for such assessment, levy and collection for city purposes, and no assessors for city purposes shall be appointed or paid therefor, and if the board of estimate fail or neglect to fill their consolidated estimate with the mayor and aldermen approved as herein required, within one month of the date fixed by law for levying the annual tax for city purposes, then the mayor and aldermen shall levy the tax and apportion the same to the respective departments of the city in the proportion adopted for the preceding year; and it shall not be lawful for the boards established by this Act or either of them to make any contract for work, services or supplies in excess of the amount authorized in the annual estimate approved by the board of estimate for each board or department respectively in the year for which the estimate is made, and there shall not be any increase in the number of police or firemen, or the salaries payable to the members thereof, until the same shall have been approved by the board of estimate herein provided for, or a majority of said board, provided that the police commission may, when in their judgment the public peace requires the same,

All funds to  
be paid to  
city treasurer

Taxes; how  
levied and rate  
of taxation.

No contracts  
to be made in  
excess of an-  
nual estimate

appoint additional special or extra police officers to serve not exceeding three days at any one time, in the same manner as other members of the regular police force. No member of the police commission or board of public works, or board of education, or the mayor and aldermen, shall be a member of any other city board except as herein provided.

**SEC. 11. Be it further enacted,** That after the organization of the boards herein provided for, it shall not be lawful for the mayor and aldermen of the city of Chattanooga to appropriate or order the payment of any money out of the city treasury for any other purpose than to pay the rolls, contracts, or bills approved, and for which appropriation is recommended by the police commission, the board of education or the board of public works respectively, as herein provided for, provided the mayor and aldermen may make appropriation to pay the salaries of themselves and the officers herein authorized to be elected by them, the sinking fund, interest on bonds, and judgments and decrees of courts, without the approval of any other board; and the boards herein provided for shall cause all contracts entered into by them to be made in triplicate, one copy for the contractor, one copy to be retained by the board contracting, and the other copy to be filed with the mayor and aldermen.

**How accounts  
shall be kept  
and payments  
made.**

And the pay rolls and bills originating in each board herein provided for, except for secret police detectives, which shall be paid as provided for in section one of this Act, shall be taken in duplicate; one copy to be retained by the board in which the account originated, and the other copy to be filed with the mayor and aldermen. Said copies of contracts, rolls and bills, when approved, and appropriation is recommended by the respective boards, shall be the basis of authority to the mayor and aldermen for the appropriation of money to pay the same. The city accounts shall be kept by the city auditor under the direction and supervision of the mayor and aldermen, and after appropriation has been made by ordinance of the mayor and aldermen as herein provided, the city auditor shall draw separate warrants for the respective sums appropriated, and after said warrants are countersigned by the mayor they shall be authority to the city treasurer to pay the sums therein named, and when the appropriation is to pay a pay roll the warrant shall specify the date of roll and the treasurer shall pay the roll and file the same with the warrant as a voucher thereto on settlement with the mayor and aldermen, and it is

hereby made the duty of the mayor and aldermen to make the appropriation necessary to meet the expenditures authorized by this Act without unnecessary delay or hindrance.

**SEC. 12.** *Be it further enacted,* That the said Act of 1883, except as herein amended, and with the amendments herein contained, is herein re-enacted and declared to be in full force and effect.

**SEC. 13.** *Be it further enacted.* That the powers to make laws and ordinances heretofore existing in the mayor and aldermen of the city of Chattanooga, except so far as they may be restrained by this Act, is continued in them.

**SEC. 14.** *Be it further enacted,* That from and after the expiration of one year from the date of the organization of the board of public works, the salary of the mayor of Chattanooga shall be at the rate of \$1,800 per annum, and the salary of the aldermen shall be at the rate of \$100 per annum, and the bond required for aldermen shall be for the sum of \$1,000.

**SEC. 15.** *Be it further enacted,* That every voter registering, in addition to the information now required to be given at the time of registering, shall state the street and number, if it be numbered, and if not numbered, then the name of the owner or renter of the house in which he resides or boards, and the time of his residence in said city, together with the various places therein in which he may for the last twelve months have resided or boarded, and the registrars shall keep suitable books in which his statement or answers in reference to these questions shall be entered, and the said statement or answers shall be, when so made and entered by the registrars, sworn to by the applicant for registration, and any one of said registrars is authorized to administer said oath. Any intentional false swearing in reference thereto, or to any statement therein, shall be perjury, and punishable as such. To the correctness of the books kept by them, the registrars shall certify therein on closing said books at the expiration of the time limited for keeping open their office and books for registration purposes, and any intentional false statement in said certificate shall be perjury, and punishable as such.

**SEC. 16.** *Be it further enacted,* That so much of an ~~Act~~ repealed. Act passed December 29, 1839, entitled "An Act to establish the town of Chattanooga, in the county of Hamilton, and to incorporate the inhabitants thereof," and an Act entitled "An Act to incorporate the city of Chat-

nooga, and for other purposes," passed November 5, 1851, and an Act passed November 10, 1869, entitled "An Act to incorporate the city of Chattanooga, Tennessee," and of an Act passed March 27, 1879, entitled "An Act to amend the charters of certain towns and cities of the State, so as to make the term of aldermen two years instead of one," and of an Act entitled "An Act to amend the charter of Chattanooga, Tennessee, and all Acts heretofore passed amendatory thereof," passed March 29, 1883, and so much of all other laws or parts of laws as are in conflict or inconsistent with this Act, be and the same are hereby repealed.

This Act to be submitted to the voters of Chattanooga.

SEC. 17. *Be it further enacted*, That this Act shall not take effect or be in force until it shall have been submitted to the voters of the city of Chattanooga, at an election to be held for that purpose, at which election to be held and appointed by the board of mayor and aldermen of said city, at which election the ballots shall contain the words "For amendment of charter," or "Against amendment of charter." If at said election the majority of the votes cast shall be for amendment to the charter, then said amendment shall become part and parcel of the charter of said city, and thereafter shall be in full force and effect; but if the majority of said votes shall be against the amendment to the charter, then said amendment shall not become a part of said charter, but shall be deemed rejected.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 114.

AN ACT to abolish the corporation of Haysville, Shelby County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the action of the county court of Shelby county incorporating the town of Haysville, which was approved by the Governor on the 5th day of February, 1878, and recorded in the Register's office of said county on the 18th day of February, 1878, in corporation book No. 1, page 219, be and the same is hereby annulled, and the corporation of Haysville (now known as Withe Depot) be and the same is hereby abolished.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this Act are hereby repealed, and that this Act take effect from and after the 1st day of May, 1885.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 115.

**AN ACT** to amend an Act entitled an Act to provide for the organization of Corporations.

Water companies.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That chapter 142 of the Acts of 1875, entitled An Act to provide for the organization of corporations, approved March 23, 1875, be and the same is hereby amended so as to embrace the organization of water companies.

Form of charter.

**SEC. 2.** *Be it further enacted,* That the form of a charter for a water company shall be as follows:

Be it known, that (here insert the names of five or more persons above the age of twenty-one years) are hereby constituted a body politic and corporate by the name and style of (here insert the name of the corporation), for the purpose of establishing and constructing water works (adjacent to, or in the city or town, as the case may be), and it shall be the duty of said company to build water works and machinery in, or adjacent to said city or town and of sufficient capacity to supply said city and the inhabitants thereof with a plentiful supply of water, and for this purpose said company is hereby authorized and empowered and invested with the privilege to lay down pipes and to extend aqueducts, and conductors through all or any of the streets, lanes, alleys of (said city or town) and to supply the inhabitants of said city or town with water by public works. And for the purpose of laying down such pipes, aqueducts and conductors, may take up the pavements or sidewalks upon such street after permission has been first obtained from the taxing district authorities in corporate towns or cities: *Provided*, that said pavements and sidewalks shall be taken up in such manner as to give the least inconvenience to the inhabitants of (said city or town), and that the same shall be replaced with all convenient speed by, and at the expense of, said company in as substantial a manner as found before taken up.

**SEC. 3.** *Be it further enacted,* That the works and operations of such company shall be so constructed and managed as not to affect the health or comfort of (said city or town, as the case may be) prejudicially; and nothing in this Act shall be so construed as to absolve

the said company or companies organized hereunder from legal proceedings to restrain or abate any nuisance arising from their operations.

**SEC. 4.** *Be it further enacted,* That if any person shall injure or destroy any portion of the fixtures or works, or property of the company or companies organized under this Act, such person or persons shall be liable to the company for all damages sustained in consequence of such act or injury.

**SEC. 5.** *Be it further enacted,* That said company or companies organized hereunder, are hereby empowered and authorized to condemn and take such lands as may be necessary for the establishment of their reservoir and works, and the right of way through all lands between their reservoir and the (said city or town, as the case may be) to lay their pipes, aqueducts or conductors, and keep the same in repair, is hereby granted said corporations or companies; *provided*, that such pipes and conductors shall be laid in such manner as to do as little injury to the property of private persons as possible; and, *provided further*, that said company shall make compensation to the owners of the real estate condemned or taken, or through which the pipes, conductors or aqueducts may be laid. If the owner and company cannot agree upon the amount of compensation which should be paid, the same shall be assessed in the manner provided by the Code of Tennessee, sections 1325 to 1348.

**SEC. 6.** *Be it further enacted,* That said corporations or companies are hereby vested with all the powers and privileges and governed by the restrictions incorporated in section 5 of said Act approved March 23, 1875, (here insert the power as contained in said Act and section), (being Act of 1875, chapter 142).

**SEC. 7.** *Be it further enacted,* That said company or corporation that may be organized under this Act, before they shall exercise any of the rights, powers and privileges herein granted, in order to secure a bountiful supply of good, pure and wholesome water, shall first apply to the authorities of the said city or town for the appointment of a board of inspectors to be composed of seven members, who are to be citizens and freeholders of said city or town, three of whom shall be chosen from the medical profession, if practicable. Said board so chosen, after being duly sworn shall make and file their report with the authorities of said town or city, stating therein from what source or sources said water supply shall be obtained; a report of the majority of the members com-

posing said board shall be filed with said city or town authorities, and the same shall be conclusive as to the cause and quality of said water supply.

**Report of inspectors.** SEC. 8. *Be it further enacted*, That said board shall, within ten days after their said appointment and qualification, file their report (duly sworn to) with said town or city authorities.

SEC. 9. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 116.

**AN ACT** to protect the health of the people and to prevent the spread of disease.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That every municipal corporation or taxing district of the State, containing a population of thirty-six thousand, according to the census of 1880, or that shall hereafter contain a population of thirty-six thousand, shall not hereafter be permitted to bury the dead within the corporate limits.

**SEC. 2.** *Be it further enacted,* That any person violating section 1 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than one hundred dollars, nor more than two hundred dollars.

**SEC. 3.** *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

**SEC. 4.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 117.

**AN ACT to change the line between the counties of Overton and Pickett.**

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Overton and Pickett be so changed as to include within the county of Overton all of the tract of land belonging to John Hill known as his mountain tract, a part of which lies in Pickett county; also include in the county of Overton all of a tract of land belonging to John Hill and Margaret McDonald known as the McDonald tract, a part of which lies in Pickett county; also to include in the county of Overton all of a tract of land belonging to A. C. Brown, a part of which lies in Pickett county; also to include within the county of Overton a fifty acre tract of land on which Conoway Cooper now lives, and which he bought of William Choate, lying on the county line; also to include within the county of Overton all of Milton K. Hargrove's tract of land lying partly in each county.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 118.

**A**N ACT to apportion the State into hospital for the insane districts; to provide for the trusteeship and management of the Eastern Hospital for the Insane; to amend the laws of admission and commitment to such Hospital, and to fix a uniform rate for the support of patients therein.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the thirty-two counties, to-wit: Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, James, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union and Washington; also Franklin, Grundy, Sequatchie, Bledsoe, Van Buren, Cumberland, Fentress, Pickett, Overton, Putnam, White, and any counties hereafter to be composed of the territory comprising the above named counties, be and the same shall hereby be known and designated as the Eastern Hospital for the Insane District, and the remaining counties of the State, and the counties to be hereafter composed of their territory shall be known and designated as the Tennessee Hospital for the Insane District.

**SEC. 2.** *Be it further enacted,* That insane persons residing in the counties of the first named district who shall be adjudged to be proper subjects for the State or county charity under the inquest and proceedings provided in section 2053 of Milliken & Vertrees' Code, shall be received into the Eastern Hospital for the Insane near Knoxville, and all such patients sent from those counties to the Tennessee Hospital for the Insane, near Nashville, and who may be therein at the date of the opening of the Eastern Hospital for the Insane, shall be transferred to the latter and the cost of such transfer shall be paid by the counties from which they were sent, and the county courts thereof are hereby required promptly to provide funds for that purpose, when their clerks may be notified by the officers of said Hospital that the transfer may be made. Insane persons resident in the counties of the second named district coming within the provisions of the above named section 2053 of Milliken & Vertrees' Code, shall be received as heretofore into the Tennessee Hospital for the Insane, near Nashville.

15—Acts.

**State patients.** SEC. 3. *Be it further enacted,* That hereafter, under the inquest now prescribed by law, patients supported by the State shall be received from the Tennessee Hospital for the Insane District to the number of one for each twenty-five hundred of the population of each county therein computed by the census of 1880, and such patients shall be received from the Eastern Hospital for the Insane District to the number of one for each two thousand five hundred of the population of each county therein, computed in like manner, and under such computation a fraction of three-fourths of the requisite number of population of any county of such districts for the admission of a patient shall entitle such county to an additional patient, and the number of such patients from the Tennessee Hospital for the Insane District shall not exceed three hundred and fifty, and the number from the Eastern Hospital for the Insane District shall not exceed two hundred and thirty-five.

**Colored insane** SEC. 4. *Be it further enacted,* That insane persons of color from both hospital districts shall be received into the Tennessee Hospital for the Insane, near Nashville, under the same proceedings of inquest and conditions as now provided by law for white persons.

Quarterly statements to comptroller.

SEC. 5. *Be it further enacted,* That on the first of each quarter the president of the board of trustees of each of the hospitals for the insane and the superintendents thereof shall file with the comptroller of the State a joint statement, certified under oath, of the number of patients on account of the State on that day in the hospitals under their respective charge, and that thereon the comptroller shall issue his warrants to the respective treasurers of said hospitals for one-fourth of the sum of \$170 for the quarterly support of each of such patients multiplied by such number, and the number of such patients on the day of certification shall not exceed the number for each hospital fixed in section 3 of this Act; and the above named officers of the Tennessee Hospital for the Insane, near Nashville, shall similarly certify at the same time the number of patients of color on account of the State then in said hospitals from the counties of the Eastern Hospital for the Insane District, and the comptroller shall issue his warrant as above directed for such number to the treasurer of said hospital.

SEC. 6. *Be it further enacted,* That section 2065 of Milliken & Vertrees' Code be so amended as to read as follows:

"When upon the arraignment of any person not pre-

viously known or believed to be insane, who may be charged with a criminal offense, punishable by imprisonment in the penitentiary or death, the plea of present insanity is urged in his or her behalf, the court shall charge the jury that if, from the evidence, they believe the defendant to be insane they shall so find, but the powers of courts to commitment to the hospital for the insane, shall not extend to insane persons arraigned for felonious assaults or misdemeanors only, or those who, by reason of their insane condition may be admissible to the hospitals for the insane under the general laws of commitment provided therefor."

**SEC. 7.** *Be it further enacted,* That relatives, friends and guardians of insane persons who may be entered as private or paying patients resident and having legal domicil in this State may elect to commit such persons to either of the State hospitals for the insane under the proceedings and conditions provided in section 2057 of Milliken & Vertrees' Code.

**SEC. 8.** *Be it further enacted,* That section 2023 of Milliken & Vertrees' Code be so amended as to read as follows: The number of trustees of hospitals for the insane shall be twelve, and five of them shall reside in East Tennessee, or the counties constituting the Eastern Hospital for the Insane District, of which five, three shall reside in or near Knoxville, the other two out of Knox county ; five of them in Middle Tennessee, of which five, three shall reside in or near Nashville, the other two out of Davidson county ; and two in West Tennessee. And in addition to the nine trustees now provided by law and in commission, the Governor of the State shall nominate and appoint by and with the advice and consent of the Senate, the three additional trustees as above required to reside in or near Knoxville, one of whom shall serve until the first Monday in February, 1887, and one until the first Monday in February, 1889, and one until the first Monday in February, 1891, and the successors of each of these trustees shall be appointed in like manner and as now provided by law, to serve for a term of six years as do the other trustees.

**SEC. 9.** *Be it further enacted,* That these seven members of the board of twelve trustees resident in Middle and West Tennessee shall constitute the Tennessee Hospital for the Insane board, and the five members resident in East Tennessee shall constitute the Eastern Hospital for the Insane board, and the said boards shall be respectively invested with the immediate government and management of

Trustees in  
respective  
boards.

each of said hospitals, under the statutes now applicable thereto; and it shall be the duty of the general board of twelve trustees, under notification of the president of the Tennessee Hospital for the Insane board, to convene at said hospitals within ten days before the biennial meeting of the General Assembly on the first Monday in January, and investigate their administration and report their true condition to that body, accompanied by such recommendations as may be deemed advisable.

**Eastern Hospital constituted a corporation.** SEC. 10. *Be it further enacted,* The Eastern Hospital for the Insane near Knoxville, is hereby constituted a corporation similar to the Tennessee Hospital for the Insane, with the same rights, powers and functions. Upon the completion of the buildings now in course of erection

**Election of officers.** for its use, upon notification by the Governor, the Eastern Hospital for the Insane board shall convene at said hospital and elect one of their number, resident in Knox county, president of the board, and one of the same number treasurer of the hospital, and shall appoint a superintendent of the hospital, who shall be a skillful physician of experience in the treatment of the insane, of enlightened and thorough professional education, of unblemished moral character, of humane and kind disposition, and of prompt business habits; and said superintendent shall reside constantly in the institution. He shall serve for the

**Term of Superintendent.** term now prescribed by law, and for the compensation fixed by the statutes, and shall perform all the duties of the office required by the statutes, and shall be responsible to the trustees of the hospital for his official conduct, and removable by them for infidelity to his trust, or incompetency fully shown and declared. He shall give bond,

**Bond of Superintendent.** with good security, approved by the Governor, in the penalty of \$40,000, payable to the State, conditioned faithfully to account for and pay into the treasury of the hospital all monies which may come into his hands therefor, and faithfully to discharge the duties of his office; which bond shall be deposited by the governor in the office of the secretary of state for safe custody.

**Bond of treasurer.** SEC. 11. *Be it further enacted,* The treasurer of the hospital shall execute a bond with good security, approved by the governor, and to be similarly deposited, in the sum of twenty-five thousand dollars, payable to the State, conditioned for the rightful application of all monies belonging to the corporation, and for the faithful performance of the duties hereby devolved on him. Immediately after the first of each quarter he shall receive from the treasurer of the State the amount of one-fourth

**Funds in treasury.**

of the sum of any annual appropriation made by the General Assembly for the support of the hospital, and he shall pay out of the hospital treasury no sums of money for any hospital use whatever except under audit of the trustees resident in or near Knoxville, and the check of the president of the board of trustees. He, together with the superintendent, shall present to the resident trustees a quarterly report of the receipt of all monies paid into the treasury of the hospital, from any source, and of all sums paid out for the necessary uses and expenses of the same. If there be a balance in the treasury of the hospital to the credit of a patient removed therefrom, he shall pay it to the person authorized to receive the same. His compensation for receiving and disbursing the monies which may come into his hands for the use of the hospital, shall be three-fourths of one per cent. on such receipts and disbursements, to be paid out of the same.

**SEC. 12.** *Be it further enacted,* The Eastern Hospital for the Insane board shall exercise all the powers now conferred by law for the government of the hospital in their immediate charge, and shall become a code of by-laws and regulations for its management. They shall keep a record of all their proceedings, and shall convene at the end of a biennial term to receive reports of officers, and shall submit their report through the general board of trustees to the General Assembly. The three trustees, resident in Knox county, shall hold monthly meetings, and shall be competent to transact all ordinary business arising at such meetings, and audit monthly accounts. Each in rotation for one month shall visit the hospital once weekly, and shall vigilantly examine the condition thereof, or oftener if notified by the superintendent. The compensation for the service shall be the per diem and mileage when in actual duty now allowed by law.

**SEC. 13.** *Be it further enacted,* That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,

*Governor.*

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## CHAPTER 119.

**AN ACT** to amend an Act entitled "An Act to provide for the organization of corporations," approved March 23, 1875, so as to provide for the organization of corporations for the purpose of constructing booms.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Act approved March 23, 1875, entitled "An Act to provide for the organization of corporations," be so amended that charters may be granted in the mode and manner designated in said Act, for the purpose of constructing booms in the water courses of this State.

**SEC. 2.** *Be it further enacted,* That the charter for a boom company shall be as follows:

**STATE OF TENNESSEE.** Charter of Incorporation.

**Form of charter.** *Be it known:* That (here insert the names of five or more citizens, not under the age of twenty-one years, applying for the charter), are hereby constituted a body politic and corporate by the name and style of (here insert the name), for the purpose of constructing a boom at (here designate the place or places, and county,) on (here insert the name of the river or other water course.) The general powers, etc., of said corporation (here insert the powers, etc., as set forth in section 5 of the general incorporation Act, chapter 142, Acts of 1875, chapter 119, Acts of 1881; chapter 142, Acts of 1883.)

**Special powers.** Said incorporation may float and drive down said stream and its tributaries, logs, wood and lumber; and for the purpose of catching and securing such logs, wood and lumber as shall be floated down said river and tributaries, they may construct, erect and maintain a boom or booms on the same, at said point or points, which shall be for their exclusive use and benefit; but they shall not interfere with the landing of boats or rafts, *in transitu* and tying up the same to the shore, on lands owned or leased by the said corporation and not occupied by them, nor with the occupancy of landings on either side of the river, or lands not owned or leased by the corporation; and when it may be necessary for driving, dislodging, fastening and securing boats, rafts, logs and timber, or for putting them back in the stream when they may have been floated upon lands outside of the banks of the river

by high water, the company may enter upon the lands of others for the purpose of reclaiming and securing their logs, timber, lumber and rafts, subject, however, to the payment of such damage as may be sustained by the owners or occupants of the lands by reason of such entry and occupation. *Provided*, that said boom or booms shall be so constructed as not to prevent the safe and convenient passage of rafts, logs and boats on said river and its tributaries ; and, *provided*, also, that the logs, rafts and lumber which may have been lodged on the lands of others shall be removed within a reasonable time ; and the company shall be responsible for any damages the owner or owners may sustain by reason of said property remaining on their lands ; and, *provided further*, that all logs, rafts and lumber belonging to other parties, which may be floated into said boom or booms, shall be delivered to the owner or owners thereof on demand, and proof of ownership ; and upon failure to deliver said logs, rafts or lumber after proof of ownership, the company shall be liable for the value of the same, to be recovered in a court of competent jurisdiction ; but the company shall be allowed a fair and reasonable compensation for catching, holding and delivering said logs, rafts and lumber.

**SEC. 3. Be it further enacted,** That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 120.

**AN ACT to provide for the payment to the holders of the Mineral Home railroad bonds.**

WHEREAS, Under the Act of December 18, 1866, and December 14, 1867, \$100,000 in bonds were issued to the Mineral Home railroad company in disregard to the creditors and in violation of law, the president of the company procured one hundred bonds of the denomination of \$1,000 each, to be issued to him on the second day of October, 1869. On the first day of July, 1870, an Act was passed directing the attorney general to institute suits to protect the State against these bonds; and whereas the bonds were sold by the company in January, 1870, and the proceeds deposited in the Exchange and Deposit bank at Knoxville; and whereas the State, through the proceedings instituted by the attorney general, attached this fund and secured the same, amounting to \$30,500; therefore,

*SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the net balance of this fund after defraying all legal expenses, if any remain unpaid which have been incurred, be refunded *pro rata* to holders of said bonds upon their delivery of the same to the State to be cancelled. The thirty-seven bonds heretofore recovered by the State to be included in the pro rata, and after deducting the State's pro rata, the balance to be distributed pro rata among the holders of the sixty-three outstanding bonds after defraying expenses.*

*Pro rata distribution.*

*Warrant of  
comptroller.*

*SEC. 2. Be it further enacted, That the funding board shall, upon the delivery of said bonds by the holders or their agents, issue a certificate in accordance with the first section of this Act, which certificate shall be filed with the comptroller, and the comptroller shall issue his warrant upon the treasurer for the money specified in this Act.*

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 121.

**AN ACT** to amend the charter of the town of Pulaski, and to establish a recorder's court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Pulaski be so amended that the recorder elected by the board of mayor and aldermen of said town be authorized and empowered to issue writs for arrests and hear and decide all cases brought against persons for violating the by-laws and ordinances of said corporation and render judgment on his docket for all fines and forfeit now imposed by said by-laws and ordinances not exceeding fifty dollars, to commit defendants to jail to await for trial when they shall fail to give bond to appear for trial, and commit defendant after conviction to the jail or work house, when they shall fail to pay the fine and costs imposed or fail to secure the same to the corporation, and to take all necessary affidavits and swear the witnesses in such cases, *Provided* that in case of the absence, inability

and incompetency of the recorder any justice of the peace of the county may act for the recorder in trying cases brought for the violation of the by-laws or ordinances of said corporation, when judgment shall be entered on the recorder's docket.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 122.

AN ACT to amend an Act entitled "An Act to exempt veterans of the Mexican war from the tax on peddling," passed March 29, 1883, and approved March 30, 1883.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed March 29, 1883, and approved March 30, 1883, to exempt veterans of the Mexican war from payment of a peddling tax, be and the same is hereby so amended as to extend to and permit said Mexican war veterans to engage in any other kind of trade or merchandise free of all State, county and municipal licenses or tax, when the stock on hand in such business shall not at any one time exceed the sum of five hundred dollars, *Provided* that this Act shall not be so construed as to extend to the privilege of engaging in the sale of liquors, beer or other intoxicating beverages.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 123.

AN ACT to prohibit the sale of intoxicating bitters within four miles of any incorporated institution of learning, excepting within incorporated towns and cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be unlawful to sell intoxicating bitters in this State within four miles of chartered institutions of learning, except within incorporated towns and cities.

SEC. 2. *Be it further enacted*, That the violation of the 1st section of this Act shall subject the person violating the same to a fine of one hundred dollars and imprisonment in the county jail not exceeding three months at the discretion of the court trying the cause.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,

*Governor.* by Google

## CHAPTER 124.

**AN ACT to amend Chapter CXLII of the Acts of 1875, entitled A  
Act to provide for the organization of corporations, and to provid  
for a charter for a bridge company, and to provide for the organ  
zation of agricultural, horticultural, fruit growers and fruit can  
ning establishments.**

Charter for  
bridge com-  
pany.

**SECTION 1. *Be it enacted by the General Assembly of  
the State of Tennessee,* That chapter CXLII of the Act  
of 1875, providing for the organization of corporations,  
be so amended as to provide a form for a charter for a  
bridge company which shall be as follows, viz :**

Form of char-  
ter.

**STATE OF TENNESSEE. Charter of Incorporation.**  
*Be it known,* That (here insert the names of five or more  
persons not under the age of twenty-one applying for the  
charter) are hereby constituted a body politic and cor-  
porate by the name and style of (here insert the name)  
for the purpose of constructing a bridge over (here insert  
name of stream and approximate location of the bridge),  
the general powers of, the provisions and restrictions in  
said corporation shall be as follows: (here insert and  
copy 5th section of Acts of 1875, chapter CXLII). The  
said corporation shall have the powers and rights in pur-  
suance of the general laws authorizing the condemnation  
of private property for works of internal improvements,  
as set forth in sections 1325 to 1348 in the Code, both  
inclusive, to appropriate as an easement the right of way  
not exceeding two hundred feet in width for building  
the bridges or approaches thereto over the land of any  
person through which the line of the bridges or ap-  
proaches thereto may be located, which power as defined  
in said section of the Code are as follows: (here copy  
said sections 1325 to 1348 both inclusive). Said corpo-  
ration is authorized to adopt such form, pattern and size  
for the bridge as they may deem proper, provided the  
same shall be substantially and safety built and suited  
for the character of traffic intended to provide for, and  
that when built over a navigable stream it shall not nec-  
essarily interfere with navigation, and in such cases shall  
either be built with a draw, or high enough to allow the  
passage of boats under it; when the bridge is completed

and ready for travel, the directors may collect a toll for passage over and upon the same. The following toll may be demanded and collected: For hogs or sheep per head two cents (2); for cattle, horses, mules, or asses in a drove per head three cents (3); for horses, mules or cattle not in a drove, not employed in drawing, whether mounted or not per head ten cents (10); for every four-horse wagon loaded or unloaded, thirty-five cents; for every two horse wagon, one-horse wagon, buggy, carriage and all other vehicles drawn by two or a less number of horses, mules, or other animals, twenty-five cents each. For every vehicle drawn by more than four horses or other animals, thirty-five cents, and five cents for each additional animal more than four. For poultry in droves one cent per head; for each foot passenger per head five cents. If said bridge shall be so constructed as to admit the passage of steam engines and cars drawn by them, such rates as may be agreed on, or if not agreed on, the same shall not exceed five dollars for each engine and two dollars for each car; *Provided*, the board of directors may fix a lower rate of charges than herein provided for. Any person who passes over the bridge without paying toll, and with intent to avoid the same shall forfeit and pay five dollars for the use of the company, to be recovered before a justice of peace. The said company is authorized to borrow money on mortgage, issue coupon bonds bearing a legal rate of interest for the purpose of erecting or repairing the bridge. The corporation may receive, as payment for stock, lands at a fair cash valuation; *Provided*, that the lands are in the county where said bridge is built. Stock in said company may be issued in different series, and a series of preferred stock may be issued.

**SEC. 2.** *Be it further enacted*, That section 1 of an Act, passed March 19, 1875, entitled "An Act to provide for the organization of corporations" be so amended that agricultural, horticultural, fruit growers and fruit canning establishments and associations may be chartered and operated thereunder for mutual profit of the organizers and incorporation.

**SEC. 3.** *Be it further enacted*, That all such organizations or corporations when organized and chartered as provided for herein, shall have all the powers, privileges and rights, and be subject to all the provisions and restrictions contained in said Act, passed March 19, 1875.

**SEC. 4.** *Be it further enacted*, That all laws and parts of laws in conflict with this Act be and the same are

Rates of toll.

Fine for evading toll.

Fruit charters.

Powers and  
privileges con-  
ferred.

hereby repealed ; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed March 31, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 125.

AN ACT to change the line between the counties of Pickett and Clay.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Clay and Pickett be so changed as to include in the county of Clay, all of the land or farm known as the old W. C. Heard farm, recently purchased by W. H. Hawkins of Charley Smith, lying on Ashburn's creek, a portion of which now lies in Pickett county. Also so as to include in Clay county all of the tract or tracts of land now owned by W. W. Heard and W. H. Wilburn, lying on Ashburn's creek, and portions of which now lie in Pickett county. Also so as to include in Clay county all of a tract or tracts of land belonging to B. C. Wilburn and S. R. Heard, being a portion of the W. C. Heard old tract, lying on Ashburn's creek waters, and a portion of which now lies in Pickett county.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 126.

AN ACT to abolish the charter of the town of Brunswick, and to repeal sections 54 to 62 inclusive of chapter 59 of the Acts of 1869 and 1870, and chapter 139 of the Acts of 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That sections 54 to 62 inclusive, of chapter 59 of the Acts of 1869 and 1870, and chapter 139 of the Acts of 1881, be and the same are hereby repealed.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,

*Governor.*

## CHAPTER 127.

**AN ACT** to detach the lands of Wm. C. Napier from the county of Lawrence and attach them to the county of Lewis.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the lands of Wm. C. Napier, known as the Napier furnace lands, now lying in the county of Lawrence, be and they are hereby detached from the said Lawrence county and attached to the county of Lewis.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 128.

**AN ACT** to change the line between the counties of Overton and Clay.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Overton and Clay be so changed as to include that portion of the lands of T. B. Davis, whereon the residence of W. T. Davis now stands in Clay county, begin-

ning where the county line crosses Mitchell's creek, thence up the creek till it passes a direct line to said county line, cutting off to Clay county some ten or fifteen acres.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 129.

AN ACT for the benefit of Bell Spring seminary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the board of trustees of Bell Spring seminary, a chartered institution of learning at Noah, in the third civil district of Coffee county, Tennessee, shall be and are hereby empowered to use the style and title of Bell Spring college in the construction of their seal, and in issuing diplomas to those who may take literary degrees in said school.

SEC. 2. *Be it further enacted*, This Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 130.

**AN ACT** to authorize the trustees of Ocoee female academy, in Benton, Polk county, Tennessee, to sell the lot and house thereon, and invest the proceeds thereof in the male academy of that place.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the present trustees of the Ocoee female academy at Benton, in Polk county, Tennessee, be and they are hereby authorized and empowered to sell and convey by general warranty deed the lot and house thereon known as the Ocoee female academy, in the town of Benton, in Polk county, Tennessee, described in a deed made by W. E. McConnell to the original trustees, and said trustees are hereby authorized and empowered to invest the proceeds of said academy house and lot in the male academy in the town of Benton, in Polk county, Tennessee, to be held therein as it was in said Ocoee female academy.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 131.

**AN ACT** to change the line between the counties of McNairy and Chester, so as to attach the lands of S. D. Anderson to Chester county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of McNairy and Chester be so changed as to detach the lands of S. D. Anderson contained in his body of land bordering on the line from the county of McNairy, and attach the same to the county of Chester.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 132.

**AN ACT** to amend an Act entitled "An Act to provide for the organization of corporations," passed March 19, 1875.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That sub section 5 of section 1 of an Act to provide for the organization of corporations be so amended as to read as follows: The maintenance of clubs for social enjoyment, gymnastic and gymnasium

clubs, base ball, polo clubs, and other clubs for the promotion of athletic sport, either for profit or pleasure.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 133.

AN ACT to repeal so much of an Act passed March 27, 1879, chapter 198, entitled an Act to protect fish in the counties of Dickson, Houston, Cheatham, Davidson, Rutherford, Williamson, Shelby, Fayette, Tipton and Carroll, as applies to the counties of Dickson, Houston, Williamson, Rutherford, Carroll, Fayette, Shelby and Tipton.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of chapter 198 of the Acts of 1879, passed March 27, 1879, as applies to the counties of Dickson, Houston, Cheatham, Williamson, Rutherford, Carroll, Fayette, Shelby and Tipton, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 1, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 134.

**AN ACT** to abolish the charter of the town of Tracy City, in Grundy county.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Tracy City, in Grundy county, Tennessee, be and the same is hereby abolished.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 1, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 135.

**AN ACT** to amend sections 1325 to 1348 inclusive, Code of 1858, being sections 1549 to 1572 inclusive, Milliken and Vertrees' Code, so as to extend the operation of said sections to the condemnation and taking of the property, privileges, rights or easements of private corporations for public purposes or internal improvements.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the operation of sections 1325 to 1348 inclusive, of the Code of 1858, being sections 1549 to 1572 inclusive, of Milliken and Vertrees'

Code, be and the same are hereby extended so that the same shall apply to and include the condemnation and taking of the property, privileges, rights or easements of private corporations for public purposes or internal improvements; *Provided, however,* that no telegraph or telephone company, or other such company, shall be permitted to attach its lines to, or otherwise use the poles of any other telegraph or telephone company without the consent of such company being first had and obtained, and that in condemning rights of way for telegraph and telephone companies, the juries shall not be required to lay off the property, privileges, rights or easements included in the petition or sought to be condemned by metes and bounds, and in such cases it shall be discretionary with said juries whether they will view the premises or not, and when a petition is filed to condemn the property, easements, rights or privileges of a private corporation for a telephone or telegraph company, the circuit court in which said petition is filed shall have jurisdiction of and power to condemn the right of way for such company over and upon the rights, privileges, easements and property of such private corporation in all the counties composing the circuit in which said court may be held, in one proceeding.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 2, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 136.

**AN ACT** to change the county lines between the counties of Warren, White and Van Buren, and between the counties of Warren and Van Buren.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the lines between the counties of White and Van Buren be changed so as to include in Van Buren county the old Lem Mitchell place, and the lands of William Mooneyham, William Lawson and the widow Sparkman place, on the Fork mountain, between the Caney Fork and Cane creek, beginning in the middle of Caney Fork river, at the mouth of Cane creek, and up the Caney Fork with the middle of said river so as to include the above named lands in Van Buren county; thence east and south to the Van Buren county line, detaching the above described boundary from White county and attaching it to the third district of Van Buren county.

**SEC. 2.** *Be it further enacted,* That the lines between the counties of White, Warren and Van Buren be changed so as to include the lands of John B. Rogers, deceased, on the west of Caney Fork and on the east of Rocky river, in Van Buren county, commencing at Alex Moore's farm, running with the middle of the river to the mouth of the Rocky river; thence with Rocky river to D. C. Rogers' farm; thence with the Rocky river to the Bright hollow, so as to include all of the west of said river in Warren county.

**SEC. 3.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it, and all laws in conflict with this Act be and the same are hereby repealed.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 137.

**AN ACT** to repeal section 14 of chapter 43, of the private Acts of 1867-8, passed January 30, 1868, which authorized the incorporation of the town of Decherd.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That section 14, chapter 43, of the private Acts of the General Assembly of the State of Tennessee, passed January 30, 1868, incorporating the town of Decherd, be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after the first day of June, 1885, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 138.

**AN ACT** to change the Germania banking company.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the name and style of the banking company which was incorporated by the General Assembly of the State of Tennessee under the tenth section of an Act entitled "An Act to charter a bank of discount and deposit at Cleveland, Tennessee, and for

other purposes," passed February 4, 1867, as the Germania Banking Company, be and the same is hereby changed to the German Bank.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 139.

AN ACT to abolish the charter of the town of Mt. Pelia, in the county of Weakley, in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the charter of the town of Mt. Pelia, in the county of Weakley, in the State of Tennessee; be and the same is hereby abolished, provided that nothing in this Act shall be so construed as to exempt the taxable property and polls within the bounds of said corporation from the payment of any and all outstanding debts against said corporation.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 140.

**AN ACT** to authorize the county court of Shelby county to donate or appropriate the Bartlett court house and grounds to the school directors of the seventh civil or school district for educational purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Shelby county be and is hereby authorized and empowered to donate or appropriate the building and grounds in the town of Bartlett, known as the Bartlett court house and grounds, located and being in the seventh civil district of Shelby county, to the school directors of the seventh civil or school district of Shelby county, and the said county court shall have full power and be hereby authorized to turn over said building and grounds to the school directors of the seventh civil or school district of Shelby county for public educational purposes.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after the first day of October, 1885, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 4, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 141.

**AN ACT** for the relief of the sureties of John Kirby, now deceased, on his official bond as tax collector of McNairy county, Tennessee, for the year 1869.

**WHEREAS**, John Kirby was tax collector of McNairy county, Tennessee, for the year 1869, and applied to the county court and obtained his proper releases, but in the entry thereof on the minutes of the county court, the aggregate releases were given instead of being itemized ; and

**WHEREAS**, Said tax collector failed to have himself credited with said releases, and whereas suit was afterwards brought on said bond against said Kirby and his sureties by the State, and at the September term 1884 of the McNairy circuit court recovered a judgment against said Kirby's estate and the sureties hereinafter named for the sum of \$10,455.75 ; and whereas said Kirby faithfully accounted for and paid over to the State all the State revenues for 1869, excepting the release by the county court as aforesaid; and whereas all the sureties of the said Kirby on said bond are wholly insolvent except W. T. Muse, and he is a man of very limited means, and the estate of said Kirby is wholly insolvent ; and whereas it would be inequitable and unjust to hold the sureties on said bond liable for said releases, which were not allowed in the rendition of the judgment aforesaid ; therefore

**SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,*** That the sureties of said John Kirby on his official bond as tax collector of McNairy county, Tennessee, for the year 1869, shall be discharged and absolutely released from all liability to the State on said bond, and released and discharged from the judgment recovered by the State of Tennessee against R. F. Beard as administrator of John Kirby, deceased, and R. M. Thompson, J. L. W. Boatman, M. V. Peeples and W. T. Muse, at the September term, 1884, of the circuit court of McNairy county, Tennessee, for the sum of \$10,455.75, and the cost of suit, upon any one or more of said sureties paying the clerk of said court all the cost of said suit, and also paying John A. Pitts, the attorney for the State, his fees for prosecuting said suit to

judgment, and upon said sureties or any one of them presenting the receipt of said Pitts for his reasonable fees in said suit to the circuit court clerk of said county of McNairy, and paying all the costs of said suit. The said circuit court clerk will satisfy in full the aforesaid judgment.

*SEC. 2. Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 142.

AN ACT to amend an Act entitled an Act to reduce the several Acts incorporating the city of Columbia into one Act, and to amend the same. Passed February 25, 1869.

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,* That an Act passed February 25, 1869, entitled an Act to reduce the several Acts incorporating the city of Columbia into one Act, and to amend the same, be and the same is hereby so amended as to extend the corporate limits of said city, as follows : Beginning at the present northwest corner of the corporation at White spring and running north with the branch of said spring to Duck river, thence up the south bank of Duck river to the present northeast corner of the corporation, thence south to the track of the Nashville and Decatur railroad, thence west with said railroad track to the eastern boundary line of the city limits so as to include the whole of Rose Hill cemetery, thence

westward with said railroad to the public turnpike, thence south with said turnpike to opposite south side of the dwelling house of Mrs. S. D. Taylor, thence west to the Columbia and Campbellsville turnpike, thence south with said turnpike to the line of Arthur Ayodlett's north boundary line, thence westward with said line to his northwest corner, thence north with the Atkins and Taylor line to the present corporate line.

**SEC. 2.** *Be it further enacted,* That section three of Term of mayor two years. said Act be so amended as to change the time for which the mayor shall hold his office from one to two years, provided the provisions of this Act shall not effect term of office for which the present incumbent was elected, but shall take effect from and after the next regular election of mayor and aldermen on the third Saturday in November, 1885.

**SEC. 3.** *Be it further enacted,* That no person shall be Qualifications of voters. a qualified voter in the municipal elections of said city except those duly qualified as electors for members of the General Assembly of the State of Tennessee, and who have resided in said city six months next preceding the election, in which they propose to vote, and those possessing the necessary qualifications as electors for the members of the General Assembly, and are freeholders in said city.

**SEC. 4.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it;

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 143.

**AN ACT to amend section one, and to repeal section two of an Act passed January 22, 1879, entitled an Act to change and fix the compensation of the judges of the supreme court.**

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That section one of an Act passed January 22, 1879, entitled an Act to change and fix the compensation of judges of the supreme court, be so amended as to read as follows: That the salary of the judges of the supreme court hereafter elected or appointed, shall be three thousand five hundred dollars each per annum, payable quarterly out of the treasury of the State on the warrant of the comptroller.

**SEC. 2. Be it further enacted,** That section two of the same Act be and the same is hereby repealed.

Passed April 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 144.

**AN ACT to change the line between the counties of Cheatham and Robertson.**

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That the county line between the counties of Robertson and Cheatham be and the same is

hereby so changed as to include all the lands of John Watts in the county of Robertson.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 145.

AN ACT to repeal the taxing district of Lexington, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the taxing district of the town of Lexington, Tennessee, be and the same is hereby repealed and abolished, and all offices created or held thereunder are abolished.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 146.

AN ACT to detach the lands of E. B. Marshall from Wilson county, and attach them to Trousdale county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That that part of the lands of E. B. Marshall which is in the limits of Wilson county, containing about eighty-eight acres, be detached from Wilson county and attached to Trousdale county.

SEC. 2. *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 147.

AN ACT to prevent the playing of the games of base ball, cricket, or any other game that is played with ball, bat or club, on the Sabbath, and to prescribe the punishment therefor.

WHEREAS, Many persons in this State have been playing base ball on the Sabbath day, and betting thereon, which is contrary to the spirit of the law and a desecration of the day of rest and worship as instituted by the Divine Ruler of the Universe; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this Act any person who shall engage in playing base ball, cricket, or any other game that is played with ball, bat or club, on the Sabbath day; or any person who shall encourage, aid or assist in playing said game, on the Sabbath, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$50 for every such offense.

**SEC. 2.** *Be it further enacted,* That the circuit and criminal court judges of this State shall give this Act in charge to the grand juries, and it shall be the duty of said grand juries to present, or at the instance of the attorney general, to indict all persons violating any of the provisions of this Act, and for this purpose the grand juries are hereby clothed with inquisitorial powers as provided in section 5087, revised statutes of Tennessee, Thompson & Steger's edition.

**SEC. 3.** *Be it further enacted.* That the change of the name of the games herein mentioned shall not prevent the conviction of any person guilty of violating any of the provisions of this Act.

**SEC. 4.** *Be it further enacted,* That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*

17—Acts.

## CHAPTER 148.

**AN ACT to authorize the county court of Grundy county to issue bonds to build a courthouse.**

**Bonds; rate of interest; purpose.** **SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That the county court of Grundy county, a majority of the justices voting therefor, are hereby authorized to issue the bonds of the county, payable at such times and places and in such amounts as may seem proper, at a rate of interest not to exceed (6) six per cent. per annum, the aggregate amount of said bonds not to exceed twenty thousand dollars; the proceeds of said bonds to be applied to the purpose of erecting a courthouse.

**Signatures and seal.** **SEC. 2. Be it further enacted,** That said bonds before issued shall be signed by the chairman of the county court and countersigned by the county court clerk, with his official seal of office affixed thereto.

**Coupons.** **SEC. 3. Be it further enacted,** That each bond shall have attached coupons, showing the amount of each annual installment and interest on said bond, and when the same shall fall due; each coupon shall be signed in the same manner as the bonds, without the official seal of the court. The coupons when due shall be receivable for taxes due the county levied under the provisions of this Act, and when so received or paid off by the revenue collector of the county shall be by him cancelled by perforation, and by stamping on the face of the same the date of said payment, to be held by him as his vouchers on his settlement.

**Record of bonds.**

**SEC. 4. Be it further enacted,** That the name of the party to whom each bond is issued, with the numbers, dates and amounts, shall be entered by the clerk of the county court, as the same is issued, in a well bound book to be kept by him; and the revenue collector, as he pays and takes up the coupons, shall enter the date of payment and amount of coupons under its corresponding bond in said book.

**Sinking fund.** **SEC. 5. Be it further enacted,** That in order to meet the annual payments as they fall due, the county court at the time it levies taxes for other purposes in each year, shall levy a special tax on all taxable property and privileges in the county sufficient to pay each installment of

the principal debt and interest, to be collected by the revenue collector as other taxes, and the same when collected shall be used for the payment of said installments and interest, and none other.

SEC. 6. *Be it further enacted*, That the chairman and compensation. county court clerk shall be allowed such compensation for their services under this Act as the county court at its quarterly term shall allow.

SEC. 7. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 149.

AN ACT to amend the laws of the State relative to the powers of the county courts over public roads and bridges, and to enable said courts to build bridges over streams or rivers running through any part of a county, and to prescribe the manner for paying for the same; *Provided*, that this Act shall apply only to those counties having rivers within their borders navigable for steam boats over which streams such bridge or bridges are to be erected, and which bridges shall be exclusively within said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the powers now vested in and exercised by the county court of the several counties of this State over public roads and bridges, the said courts respectively are hereby authorized and empowered, the same being a county purpose, to build a bridge or bridges over and across any stream or river

running through said county, which bridge shall be located on or near and convenient to a public highway, due regard being had both to advantages of location and convenience of the citizens of the county having to pass over the same, and may be located wholly or partly within the limits of any municipal corporation.

## Bridge tax.

SEC. 2. *Be it further enacted*, That said bridge or bridges shall be paid for by special tax not to exceed in any year twenty cents on the hundred dollars' worth of property, to be levied by the county court annually upon all taxable property of said county, until said bridge or bridges are paid for or until the interest bearing warrants or bonds hereinafter provided for shall be redeemed; but nothing herein shall prevent said court from paying for said bridge or bridges, or redeeming any or all of said warrants or bonds out of any monies or funds in the county treasury not otherwise appropriated.

## Bridge bonds.

SEC. 3. *Be it further enacted*, That should it in the opinion of the court, appear that the cost of such bridge or bridges will exceed the amounts raised by such taxation as the court may see proper to levy during the time such bridge or bridges are being constructed, such excess may be provided for and met by funds levied from the sale of interest bearing warrants or bonds which shall be issued for that purpose by the county judge or the chairman of said court, under the seal of the court and countersigned by the trustee of said county, which warrants or bonds shall bear interest at a rate not exceeding six per cent. per annum, payable semi annually or annually as the court may order. Such warrants or bonds shall be in such convenient denominations issued in such series and maturing at such periods as the court may deem best, and order; which warrants or bonds and the interest thereon shall be met and paid for by the special tax herein before provided for, in whole or part, out of any monies or funds in the county treasury not otherwise appropriated; *Provided*, however, that none of said warrants or bonds shall run for a longer time than twenty years; and, *provided further*, that none of said warrants or bonds shall be sold for less than par.

## Bond record.

SEC. 4. *Be it further enacted*, The county judge or chairman of the county court of such county shall keep a true and correct record of all such warrants or bonds issued by him, their amounts and dates of maturity, and that the trustee shall keep a similar record and show in addition all amounts paid thereon, either as interest or principal, and the time of such payment.

**SEC. 5. Be it further enacted,** That whenever in the <sup>Voting for a</sup> opinion of the county court it will be best so to do, it may submit to a vote of the people of the county the question whether any bridge contemplated be built or not; said election may be held at any time, and as often as the court may order, and the votes shall be cast for a bridge or against a bridge. If a majority of the votes cast shall be for a bridge the county court at its next regular quarterly term shall order the bridge built. If against it, no bridge shall be ordered built by the court within two years after the election aforesaid was ordered, unless the question shall again be submitted to the people and voted on favorably.

**SEC. 6. Be it further enacted,** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed April 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 150.

**AN ACT to change the time of holding the circuit court of James county, Tennessee.**

**SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That after the next regular term of the circuit court of James county, Tennessee, to be holden on the fourth Monday of April next, and forever thereafter, the circuit court of James county, Tennessee, shall be holden at the following times, to wit: To com-

mence on Wednesday after the third Monday of April, August and December in each and every year, and with the exception of the first regular term on the fourth Monday of April next, all civil and criminal processes and recognizances to said courts shall be made returnable to said terms of said court as above provided.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 151.

AN ACT to define and punish the crime of teaching polygamous doctrines and principles, and of persuading persons to embrace ~~the~~ the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person or persons in this State to teach others the doctrine or principles of polygamy.

SEC. 2. *Be it further enacted*, That it shall be unlawful for any person or persons in this State to induce another or others by words or otherwise to embrace or adopt polygamy, or to emigrate to another State or territory of the United States for the purpose of embracing, adopting or practicing the same.

SEC. 3. *Be it further enacted*, That any person convicted upon presentment or indictment of either of the

offenses mentioned in this Act, shall be punished by fine or imprisonment, or by both fine and imprisonment, the fine not to exceed five hundred dollars, with imprisonment not to exceed two years at hard labor in the penitentiary, in the discretion of the jury.

SEC. 4. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 152.

AN ACT to repeal chapter 161, Acts of 1881, entitled "An Act to change the line between the counties of Henry and Benton," and to restore the territory cut off by said Act from Benton county back to said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That chapter 161, of the Acts of 1881, approved April 6, 1881, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the territory included and as set out in said Act be and the same is hereby restored to the territory and jurisdiction of Benton county.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9; 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 153.

AN ACT to fix the time when taxes assessed for the support of taxing districts shall become delinquent, and amend an Act passed December 22, 1879, entitled an Act to amend an Act passed March 18, 1879, entitled An Act to establish taxing districts in the State, and provide local government for same. Passed January 29, 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section two of an Act passed December 22, 1879, entitled An Act to amend an Act passed March 10, 1879, entitled an Act to establish taxing districts in the State, and to provide local government for the same, passed July 29, 1879, be and the same is hereby amended by adding to the same the following, to-wit: And all such taxes shall become delinquent on the first day of May of each and every year.

**SEC. 2.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 154.

**AN ACT** to authorize the county court of Shelby county to issue bonds for certain purposes.

**WHEREAS**, Shelby county is indebted to various persons in the sum of sixty thousand dollars for the balance due on the purchase of the court house, poor house, pest house, work house, and for other county purposes, evidenced by note, judgment and outstanding warrants, a part of which indebtedness is bearing a high rate of interest; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Shelby county at any quarterly term, be and is hereby vested with authority to issue coupon bonds of said county to the amount of \$60,000 for the purpose of paying the debts and liabilities set forth in the preamble of this Act.

**SEC. 2.** *Be it further enacted,* That the bonds authorized by this Act may be issued in such denominations, and payable when and where it may seem to the said county court best fitted to accomplish the object in view, provided however that said bonds shall be issued in series with five years intervening between the maturity of each series, so as to absorb every five years the sinking fund

*Denominat'ns,  
time and place  
of payment.*

hereinafter provided that said county court shall not sell or dispose of any bonds issued under this Act at less than par ; that said bonds shall not bear a greater rate of interest than six per cent. per annum ; and provided further, that the said county court issuing bonds under this Act shall only issue them in such amounts as that the same or their proceeds can be immediately applied to the purposes herein designated.

**Interest tax.** SEC. 3. *Be it further enacted,* That the said county court is hereby required to levy a special annual tax sufficient to meet the interest on said bonds as said interest matures, and the interest coupons on said bonds shall be receivable in payment of all taxes and dues to the county except the sinking fund tax hereinafter provided.

**Sinking fund.** SEC. 4. *Be it further enacted,* That the said county court is hereby authorized and required to create a sufficient sinking fund for the payment of the principal of said bonds as the same matures by a levy and collection of an annual tax for that specific purpose, to be known and designated as the sinking fund tax. Said annual sinking fund tax shall be of such an amount as the same with its accretions, will be sufficient at the end of each five years to pay off the series of bonds maturing each five years. The power to issue bonds under this Act is hereby conditioned upon an agreement of said county court so issuing to comply with the requirements of this section, as to a sinking fund tax, and of section three as to interest, which agreement will be evidenced by the issuing of said bonds.

**Trustee to manage sinking fund.** SEC. 5. *Be it further enacted,* That the trustee of Shelby county shall hold, invest, and pay out the sinking fund herein provided for. Said trustee shall make to the county court semi-annual reports as to the amount, nature and exact condition of the sinking fund in his hands, and he shall invest said sinking fund as fast as it accumulates in the series of bonds for the payment of which the fund is being accumulated so far as possible, and in such other securities as the county court may from time to time direct. The said trustee of said county issuing bonds under this Act shall, before entering upon the duties of his office, give in addition to the other bond required of him, a special bond in an amount sufficient, and properly conditioned to fully preserve and protect the sinking fund that may come into his hands. Said trustee shall be paid a reasonable compensation for the care and custody of the said sinking fund ; said compensation to be fixed by the county court.

**SEC. 6.** *Be it further enacted,* That any fraudulent, or willful, or wrongful act in the issuance or sale of the bonds provided for under this Act, or any misappropriation of the proceeds arising from the sale of said bonds, or any fraudulent or wilfully wrong act in the management of the sinking fund herein provided for, or any misappropriation of said sinking fund, the same is hereby declared a felony, and the person or persons guilty thereof shall, on conviction, be punished by confinement in the penitentiary for not less than two nor more than ten years.

**SEC. 7.** *Be it further enacted,* That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

## CHAPTER 155.

**AN ACT** to authorize the trustees of Oak Grove academy, in the city of Cleveland, in Bradley county, Tennessee, to sell and dispose of the same, and to invest the proceeds in the city high school buildings in Cleveland, now being erected.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the present trustees of Oak Grove academy house and lot in the city of Cleveland, Bradley county, Tennessee, be and they are hereby authorized and empowered to sell and convey the same, being a part of lot No. 88, according to the general plan of said city, and being fifty-five feet in front and running back on Berry street two hundred and ten feet, and

they are also hereby authorized and empowered to invest the proceeds thereof in the Cleveland high school building now in process of erection, to be held in that school property just as it has heretofore been held in the Oak Grove academy.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 156.

AN ACT to change the line between the counties of Fentress and Pickett.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between the counties of Fentress and Pickett be so changed as to include within the county of Fentress the whole of the lands of Stokley Crabtree and Marion Crouch and J. J. Pile, said lands lying in the head of Rotten Fork of Wolf river, also so as to include in the county of Fentress the lands of David Cooper, Jennie Cooper, Thos. King, Mary Ann

Hoover, Geo. Smith, Austin Choate, Wm. Choate, Thos. Cooper, Wm. Cooper and Madison Hoover, which all lie in the south part of Pickett county, on south side Obed's river.

Passed April 9, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 157.

AN ACT to amend section 1888 of Milliken & Vertrees' edition of the Code of Tennessee relating to the powers of printing and publishing companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section twenty-one, chapter one hundred and forty-two of the Acts of Tennessee for the year 1875, section 1888 of Milliken & Vertrees' edition of the Code of Tennessee be and the same is hereby so amended as to read as follows, to-wit: "1888. The said company shall have power to purchase types, presses, paper, etc., for the purposes of printing newspapers, books, pamphlets, etc., and in general to execute all orders for printing books, and the execution of all orders for job work usually undertaken and performed in first class printing and publishing associations, and said company shall have the privilege of dealing in articles of similar classes to those manufactured by the

company itself, and also in articles necessary or properly connected therewith; nothing herein shall be construed to exempt such corporations from payment of a privilege tax on their business as dealers."

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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## CHAPTER 158.

**AN ACT** to encourage blood-stock raising in Tennessee, and the development of speed in horses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not hereafter be unlawful for any person, company, association or corporation owning and keeping up *bona fide* a race track or race course in this State, to bet or wager by making pools, combinations and book bets on trotting, pacing, or running races, trotted, paced or run thereon, or any track or course in the United States, made and kept for that purpose; nor shall it be unlawful to buy such pools, combinations, and book bets; *Provided*, the same be made and sold in the county where the race track or race course of the person making the same is situated; and, *provided further*, that it shall not be lawful to make and sell said pools, combinations, book bets to minors and drunken men.

SEC. 2. *Be it further enacted*, That this Act shall not apply to counties having a population of not less than (75,000) seventy five thousand inhabitants, by the United States census, last taken, just preceding the date of the offense charged, prohibited by this Act.

SEC. 3. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed April 3, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 6, 1885.

WM. B. BATE,  
*Governor.*



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# RESOLUTIONS.

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**18—Acts.**



# Senate Joint Resolutions.

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## NUMBER 1.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Senators and members of the House of Representatives of the Forty-Fourth General Assembly of the State of Tennessee, meet in convention in the Hall of Representatives, on Tuesday, the 13th day of January, 1885, at 2 o'clock P. M., and proceed to the election of a secretary of state, and librarian; and that the election of said officers be held in the order named herein.

Adopted January 9, 1885.

Concurred in January 12, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 13, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 2.

*Be it resolved by the General Assembly of the State of Tennessee,* That the superintendent of the capitol be instructed to employ a porter whose business it shall be to

attend the furnaces and water-closets, and the expenses of the same to be placed in the general appropriation bill. Said porter be employed during the session of the General Assembly.

Adopted January 15, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 23, 1885.

WM. B. BATE,  
*Governor.*

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### NUMBER 3.

*Resolved by the General Assembly of the State of Tennessee,* That our Senators be and are hereby instructed, and our Representatives requested to vote for the bill now before Congress to pension the soldiers of the late war with Mexico; and that a copy of this resolution be forwarded to each of our Senators and Representatives by the Secretary of State.

Adopted January 19, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 21, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 4.

*Resolved by the Senate and House of Representaties,*  
That the judges, chancellors and bar of the State, be requested to furnish the members of this body all the information attainable, and a synopsis of their views on the subject of judicial reform, and the re-districting of the judicial and chancery districts of the State.

Adopted January 20, 1885.

C. R. BERRY,  
*Speaker of the Senate.* [ ]

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 5.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Printer of the State be, and he is hereby instructed to print and deliver the reports of the various State officers and institutions as follows:

Treasurer's Report—1,000 copies for use of the House, 500 copies for use of the Senate, 500 copies for use of the treasurer.

Comptroller's Report—3,000 copies for use of the House, 1,000 copies for use of the Senate, 1,000 copies for use of the comptroller.

Penitentiary Report—500 copies for use of the House, 250 copies for use of the Senate, 500 copies for use of the officials.

Report of Insane Asylum—1,000 copies for use of the House, 500 copies for use of the Senate, 1,000 copies for use of the asylum.

Report of Commissioner of Agriculture, etc.—1,000 copies for use of the House, 500 copies for use of the Senate, 2,000 copies for use of the commissioner.

Report of Deaf and Dumb Institute—500 copies for use of the House, 250 copies for use of the Senate, 1,250 copies for use of the institute.

Report of Secretary of State—250 copies for use of the House, 250 copies for use of the Senate, 500 copies for use of the secretary of state.

Report of School for the Blind—500 copies for use of the House, 250 copies for use of the Senate, 1,250 for use of the school.

Report of Superintendent of Public Instruction—500 copies for use of the House, 250 copies for use of the Senate, 1,750 copies for use of the superintendent.

Report of Railroad Commissioners—500 copies for use of the House, 250 copies for use of the Senate, 250 copies for use of the commissioners.

Report of University of Tennessee—500 copies for use of the House, 250 copies for use of the Senate, 750 copies for use of the university.

*Be it resolved further,* That the above reports, together with the governor's message, shall constitute the appendices of the journals of the Senate and House of Representatives.

Adopted January 20, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 6.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Senate meet the House of Representatives, in the hall of the latter, in convention, on Monday, the 26th day of January, 1885, at 11 o'clock A. M., for the purpose of electing an entry taker and register of the Ocoee district, and to elect registers for the land offices in the several districts in this State, when their terms of office shall have expired.

Adopted January 20, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 7.

*Be it resolved by the General Assembly of the State of Tennessee,* That the sergeant-at-arms of the Senate be, and he is hereby authorized to purchase material, procure a workman and have the settees in the Senate chamber, and the speaker's chair repaired. Also have the middle door leading into the Senate chamber re-covered and repaired in a neat and durable manner, so they will present a decent appearance.

*Be it further resolved,* That the comptroller be, and he is hereby directed to issue his warrant on the treasurer

in favor of the sergeant-at-arms for the amount of said repairs; and the treasurer is hereby directed to pay the same, and that said amount shall be included in the general appropriation bill.

Adopted January 20, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 8.

*Resolved by the Senate and House of Representatives,*  
That the Hon. J. L. M. Curry, agent for the Peabody educational fund, be and he is hereby requested to address the General Assembly of Tennessee, now in session, upon the subject of education, at such time as may suit his convenience.

*Resolved,* That this resolution be communicated by the speaker to Mr. Curry.

Adopted January 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 29, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 9.

*Resolved by the General Assembly of the State of Tennessee,* That the sum of three hundred and fifty dollars (\$350) be and the same is hereby appropriated to Oman & Stewart, in payment for repairs made on and about the tomb of General Jackson, at the Hermitage, under the direction of governor Wm. B. Bate, in pursuance of a joint resolution of the last General Assembly ; and that said sum be paid upon the warrant of the comptroller out of any money in the treasury, attention having been called to the above matter in the governor's message. Said sum to be included in the general appropriation bill.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 10.

*Resolved by the General Assembly of the State of Tennessee,* That A. J. McWhirter, commissioner of agriculture, be required to give a good and sufficient bond, in the sum of twenty (20) thousand dollars, with two or more good securities, and approved by the governor, to the comptroller, for the faithful use and paying out of the sum of ten thousand dollars appropriated by this General

Assembly to him, and that he be required to account for the expenditure of the same in an itemized account rendered to the governor.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 29, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 11.

*Be it resolved by the General Assembly of the State of Tennessee,* That a committee of three on the part of the Senate, and five on the part of the House of Representatives, be appointed to investigate and report to the General Assembly the present status of the "Common School Land District" fund arising from the sales of land under chapter 104 of the Acts of the Tennessee Legislature for 1843-4, to what counties and what amounts, including interest to January 1, 1885, to each county; and whether or not the State is bound for its payment, and the basis for such obligation, if it exists.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 12.

WHEREAS, An Act was passed at the last session of the General Assembly for the relief of Robert Gibson, said Act being recorded on pages 288 and 289 of Acts of Tennessee 1883 ; and whereas said Gibson has failed to receive the relief sought for, on account of there being no appropriation in compliance with said Act,

*Be it resolved by the Senate and House of Representatives,* That the sum of thirty nine dollars and thirty-three cents be paid Robert Gibson as appropriated by Act above specified, and said amount be incorporated in the general appropriation bill.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 13.

WHEREAS, It is alleged that the death rate among the inmates of our State prison, located at Nashville, Tennessee, and the branch prisons, located at Coal Creek, Anderson county, and at Tracy City, has reached a point that demands the intervention of humanity in behalf of said inmates ; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a committee of three on the part of the Senate, and five on the part of the House, be appointed by the respective speakers, whose duty it shall be to carefully investigate the treatment received by the convicts confined in the main prison at Nashville, and the branch prisons located at Coal Creek and Tracy City, and Inman, Tennessee, and the conduct and treatment of the officers and persons having charge of said prisons toward the inmates thereof, and to make their report to the present General Assembly at as early a day as practicable.

*Be it further resolved,* That said committee shall have power to send for persons and papers, and to do any and all things necessary to a full investigation as above set forth.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 14.

WHEREAS, The Historical Society of Tennessee has, through its committee, memorialized the General Assembly touching the advisability of the State to purchase and own the portraits of certain governors of the State of Tennessee, now owned by the Historical Society; be it therefore

*Resolved by the General Assembly of the State of Tennessee,* That a joint special committee of two on the part of the Senate, and three on the part of the House of Representatives, be and are hereby appointed to consider and report upon the matter contained in the memorial address of the Historical Society to the General Assembly.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 15.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of two on the part of the Senate, and three on the part of the House of Representatives, be appointed by the respective speakers of said houses to examine into, and report to this General Assembly as to the work of the funding board to fund the indebtedness of the State, under the Act of the last Legislature, and see whether the work of said funding board in funding, has been done in conformity to the statute, whether bonds presented have been properly substituted by the new or "settlement bonds," and whether said old bonds and coupons thereunto attached have been properly cancelled, showing the amount and character of the bonds funded, and the amount yet outstanding, as near as may

be. Said committee is empowered, if necessary, to send for persons and papers, and to examine such persons on oath, and may sit during any recess the General Assembly may take.

Adopted January 29, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 16.

WHEREAS, we recognize that the agricultural interest of the United States, in all its various branches, is paramount to all other interests, it being the basis of all substantial prosperity, and the foundation of both national and individual wealth; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That we urge our members in Congress to use all diligence in having the bill in relation to enlarging the Bureau of Agriculture by making the chief of that department a cabinet officer passed, to the end that this great wealth-producing class may be properly recognized in the councils of the nation, and placed upon equality with other departments of State, and the dignity of labor in that avocation be thereby maintained.

Adopted February 12, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 16, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 17.

*Be it resolved by the General Assembly of the State of Tennessee,* That the comptroller will issue to the treasurer of the State his pay warrant for the sum of ten thousand three hundred and eighty-six and ninety five one hundredth dollars (\$10,386.95). Said sum having been used by the treasurer of the State acting under the advice of the governor and attorney general in the redemption of 127 bonds of the State of Tennessee, of \$1,000 each, and thereupon the treasurer will deliver over to the comptroller said 127 bonds, with all coupons thereto attached, to be by him and the governor cancelled, and filed away with other cancelled bonds, a record of such bonds cancelled being kept by the comptroller.

Adopted February 12, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 16, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 18.

*Be it resolved by the General Assembly of the State of Tennessee,* That the select committee appointed by the speakers of the Senate and House of Representatives, under a joint resolution to investigate the treatment of convicts in our penitentiary and branch prisons, is hereby authorized and directed to employ a competent and impartial stenographer, whose duty it shall be to keep a correct record of the proceedings of said committee, and

all testimony taken before said committee, so that the country may have a fair and full report of the investigation by said committee.

*Be it further resolved,* That the compensation of said stenographer shall be fixed by said committee, and shall be included in the general appropriation bill.

Adopted February 13, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved February 16, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 19.

*Be it resolved by the General Assembly of the State of Tennessee,* That the committee on military affairs of the Senate and House of Representatives be requested to examine the State armory and report back such recommendations as may be necessary to protect the State in this interest.

Adopted February 17, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 24, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 20.

*Be it resolved by the Senate and House of Representatives of the Forty-fourth General Assembly of the State of Tennessee,* That our senators in congress be and are hereby instructed, and our representatives in congress be and are hereby requested, to advocate and support by their votes, a bill or Act; which will pension the survivors of the war with Mexico on equal, or like terms, with pensioners of the war of 1812, as provided for in the bill for that purpose, known as the Townshend bill, as it passed the House of Representatives at its last session. And this resolution is intended to evoke senate joint resolution No. 12, passed by the present General Assembly.

Adopted February 26, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 3, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 21.

WHEREAS, the General Assembly has been advised of the election of the trustees of the Tennessee School for the Blind, of John G. Houston and E. W. Cole, trustees of said institution, be it, therefore,

19—Acts.

*Resolved by the General Assembly of the State of Tennessee,* That the election of John G. Houston and E. W. Cole, as trustees of Tennessee School for the Blind, is hereby ratified and confirmed.

Adopted February 26, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 2, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 22.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Legislature take a recess from 12 o'clock m., March 11th, until 12 o'clock m., on March 19th, for the purpose of allowing the members of the General Assembly to visit the World's Industrial and Cotton Exposition at New Orleans.

Adopted February 26, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 2, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 23.

WHEREAS, it has heretofore been the custom of clerks in the preparation of the Acts of Assembly to use Roman numerals to indicate the number of the chapters of the same; and,

WHEREAS, there can no essential good arise from a continuance of such system; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the clerks of the Forty-fourth General Assembly are hereby instructed to use plain figures to indicate the number of the chapters in the preparation of the Acts for publication.

Adopted February 26, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 2, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 24.

WHEREAS, T. W. Dick Bullock, Dr. W. P. Jones, Hon. Horace H. Harrison, Hon. D. A. Nunn and Hon. Jno. M. Lea, heretofore appointed commissioners to contract for and superintend the construction of a marble or granite pedestal for the equestrian statue of Jackson, on the east front of the capitol, and the removal of the said statue from its temporary wooden base to the new pedestal; and,

WHEREAS, said commissioners have discharged said trust without compensation or reward, and have made their report to this General Assembly showing they have performed their duties, and that they have expended no more than the sum appropriated for that purpose; therefore,

*Be it resolved by the Senate and House of Representative of the Forty-fourth General Assembly, That the thanks of this General Assembly, and of the people of Tennessee, are due and are hereby tendered to said commissioners for the faithful manner in which they have discharged the delicate and responsible trust imposed upon them.*

Adopted March 6, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 25.

*Be it resolved by the General Assembly of the State of Tennessee, That the reports of Dr. Safford, State Geologist, the Adjutant-general, the committee on the Jackson statue, the Superintendent of the Capitol, the State Board of Health, the trustees of Watkins Institute, and the State Librarian be made a part of the appendices of the journals.*

Adopted March 25, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved March 27, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 26.

*Be it resolved by the General Assembly of the State of Tennessee,* That the comptroller of the State be, and he is hereby directed to furnish to the clerk and master, chancery court of Cheatham county, at Ashland City, with such reports of the supreme court as he (comptroller) may have on hand prior to the reports of "Heiskell," as many of such reports were destroyed at Ashland City during the war, and the same have never been re-supplied.

Adopted April 4, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 27.

*Be it resolved by the General Assembly of the State of Tennessee,* That the use of the senate chamber be and is hereby granted to the Bar Association of Tennessee for the purpose of holding its annual meeting in July or August, 1885.

Adopted April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,

*Governor.* Digitized by Google

NUMBER 28.

Confirming the election of trustees of the Tennessee School for the Deaf and Dumb, at Knoxville, Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the election of Samuel T. Atkin, S. B. Ault, S. B. Boyd, John M. Boyd, Alfred Caldwell, Wm. K. Eckle, R. C. Jackson, Joseph Jaques, John L. Moses, L. C. Shepard, John M. Thornburgh, John S. Van Gilder and W. W. Woodruff, as trustees of the Tennessee School for the Deaf and Dumb at Knoxville, Tennessee, be and the same is hereby confirmed, said persons having been elected at various times by said board of trustees to fill vacancies in said board occasioned by death, resignation and removal from the State.

Concurred in April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 29.

WHEREAS, Upon the sale of the McMinnville and Manchester railroad, on the 15th of August, 1871, there was paid into the State treasury \$3,974.80; and whereas, by some means said amount was overlooked by the treasurer, Wm. Morrow, and the committee appointed to investigate his accounts; and,

WHEREAS, Said amount of money was not accounted for when his successor was elected and took charge of the office, nor was it paid into the treasury until attention was called thereto by the treasurer on the 31st day of July, 1884, when said amount of \$3,974.80 was paid, without interest ; and, whereas, the State of Tennessee has all this time been paying interest on her justly recognized liabilities ; and, whereas, the interest upon the above amount, from the time the said treasurer became liable to the State to the date at which he paid the same into the treasury is \$2,861.49, and is justly due from said treasurer, Wm. Morrow ; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the comptroller for the State be, and he is hereby directed, to notify the said Wm. Morrow of his indebtedness, as aforesaid, and in case he fails to settle the same, the attorney general is directed to institute suit for the collection of the said sum of \$2,861.49.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 30.

*Be it resolved by the General Assembly of the State of Tennessee,* That five hundred dollars is recommended to be appropriated annually for the purpose of purchasing Bibles and suitable literature for the inmates of the penitentiary, as contemplated by sections 5510 and 5511 of

Thompson & Steger's Code. The warden shall draw on the comptroller, on the certificate of the inspectors of said prison, from time to time as may be deemed necessary, to said amount.

Passed April 7, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

# House Joint Resolutions.

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## NUMBER 1.

WHEREAS, the governor has been officially notified by commissioner Loring that a car load of Jersey cattle, infected with pleuro-pneumonia, has been shipped to Jackson, Tennessee; therefore,

*Be it resolved by the General Assembly of Tennessee,*  
That the governor be requested to immediately quarantine those cattle in their present location, to the end that the cattle of this State may be protected against this infectious disease.

Adopted January 7, 1885.

Concurred in January 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 2.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of three be appointed by the Senate and three by the House, to communicate with the

governor, and inform him of the organization of the two houses, and our readiness to receive any communication that he may desire to make.

Concurred in January 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

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### NUMBER 3.

*Be it resolved by the General Assembly of the State of Tennessee,* That the comptroller of the State be, and he is hereby requested to furnish to this General Assembly, at his earliest convenience and without delay, a full and complete statement of the collections of back taxes during his term of office, and from what source collected, together with a list of the agents and attorneys appointed by him to represent the State, and the amounts of fees and commissions paid to said agents and attorneys respectively.

Concurred in January 13, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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### NUMBER 4.

*Resolved by the General Assembly of the State of Tennessee,* That the Senate meet the House in convention in the hall of the House of Representatives on Friday, the

16th inst., at 11 A. M., for the purpose of comparing the vote for governor and announcing the same.

Concurred in January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 5.

*Be it resolved by the General Assembly of the State of Tennessee,* That three members on the part of the Senate and five members from the House of Representatives be appointed by the speakers of the respective houses as a joint committee to examine into the accounts and business of the comptroller and treasurer of the State of Tennessee, and make a settlement of the same; and if deemed advisable by said committee that they are hereby authorized to employ an expert accountant to assist them in making said examination and settlement. Said committee is authorized to send for persons and papers, and to examine witnesses on oath touching such settlement. Said committee is especially authorized to summon before it any officer connected with any bank or banking corporation or institution in this State, where State funds have been deposited, and require them to produce before said committee all books of accounts showing the accounts of said banks or banking institutions with the treasurer of the State, and to examine said officers on oath as to the same. This committee is authorized to extend this examination into the accounts of the treasurer as far back as they may deem it advisable, and to examine and report what will be a proper amount of bond to be required from the comptroller and treasurer for the ensuing two years.

This committee is further authorized to sit, for the purpose of performing the duties imposed upon them, during any recess which may be taken by the General Assembly.

Concurred in January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 6.

*Be it resolved by the General Assembly,* That the attorney general of the State be requested to report to the General Assembly as soon as practicable, what amount of money he has collected and turned over to the treasurer of the State in the case of the State of Tennessee vs. M. T. Polk et als., and what amount remains to be collected, and what steps have been or are being taken to collect the same, and if any further legislation is necessary to aid in the collection of said money, on account of the defalcation of the said M. T. Polk as treasurer of the State of Tennessee.

Concurred in January 17, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 7.

WHEREAS, The reports of the decisions of the supreme court of the State of Tennessee furnished Cocke county were accidentally destroyed by fire in the burning of the court house of said county on the 31st day of December, 1876 ; and whereas the county of Cocke has not been furnished with any reports except 1st Heiskell and the subsequent volumes ;

*Be it therefore resolved by the General Assembly of the State of Tennessee,* That the comptroller is hereby authorized and directed to furnish the county of Cocke with all the reports up to 1st Heiskell, if said reports be in his office, for distribution, as the property of the State. If all of said reports are not in his office for distribution, he will furnish such as he has.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY.  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 8.

WHEREAS, The county of Hamblen has never been furnished with any of the supreme court reports previous to 1st Heiskell ;

*Be it resolved by the General Assembly of Tennessee,* That the comptroller be and he is hereby author-

ized and directed to furnish said county with one copy each of all reports of the supreme court of Tennessee, up to 1st Heiskell, should he now have them in his office for distribution as the property of the State. If he has not all of them, he shall furnish such as he has in his office, for distribution, to be forwarded to the circuit court clerk of said county of Hamblen, at his earliest convenience.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 9.

Directing the clerks of all the courts to report the number of days their courts were in actual session during the last year.

*Resolved*, That the clerks of the supreme, chancery, circuit, criminal and law courts are hereby respectfully requested to report without unnecessary delay to the present General Assembly the number of terms their respective courts were in session during the year 1884, and the number of days they were in actual session, and the number of causes tried, and that the secretary of state be requested to furnish to the various clerks of the State with a copy of this resolution.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 10.

*Resolved*, That the superintendent of public instruction be instructed to report to the House what salaries and perquisites are allowed to superintendents of instruction in the several counties, how much of the same is paid by the State or county, and how much by teachers, and the total cost of the offices of State and county superintendents to the people and teachers of the State.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 11.

*Resolved by the General Assembly of the State of Tennessee*, That a special joint committee composed of eleven representatives, one from each congressional district, and one from the State at large; and seven senators, two from each grand division of the State, and one from the State at large, be appointed by the respective speakers of the two houses, to be known as the committee on redistricting the State into judicial districts. And said committee is instructed to propose and report a bill redistricting the State of Tennessee into judicial and chan-

cery districts, at their earliest convenience. To this committee may also be referred for report other matters, pertaining to the judiciary, by bill or resolution.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 12.

*Resolved*, That the governor furnish to this Assembly the report of the inspector of mines at his earliest convenience.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 13.

*Resolved by the General Assembly of the State of Tennessee*, That a committee of three on the part of the

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House, and two on the part of the Senate be appointed upon inaugural ceremonies and arrangements.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 14.

*Resolved by the General Assembly of the State of Tennessee,* That commissioner A. J. McWhirter be requested and instructed to furnish, for the information of the General Assembly, at his earliest convenience, an itemized statement of all monies expended by him, from whatsoever source received, in representing the State of Tennessee at the World's Exposition now in progress at New Orleans, Louisiana.

Concurred in January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 23, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 15.

*Resolved by the General Assembly of the State of Tennessee,* That the superintendent of the capitol be and is  
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hereby authorized to employ a suitable person to examine the roof of the capitol, and see what necessary repairs are needed, and report the same to this General Assembly.

Adopted January 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 27, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 16.

*Be it resolved by the General Assembly of the State of Tennessee,* That the printer to the State be, and he is hereby instructed to print five thousand copies of the Acts of this session of the General Assembly, and seven hundred copies of each Senate and House Journal and appendices, all to be bound in the usual style, as prescribed by law.

*Resolved further,* That the State printer is hereby authorized to print any additional number of copies of the Acts as he wishes, at his own expense, for sale; *Provided*, however, that they shall not be sold at more than one dollar per copy.

Adopted January 22, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 27, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 17.

*Be it resolved by the General Assembly of the State of Tennessee,* That the Senate and House of Representatives meet in joint convention on Tuesday, January 27, 1885, at 11 o'clock A. M., for the purpose of electing a treasurer and comptroller.

Adopted January 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 28, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 18.

*Be it resolved by the General Assembly of the State of Tennessee,* That this General Assembly do take a recess from January 30th, at 12 o'clock M., until February 10th, at 10 o'clock A. M.

Adopted January 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 19.

House Joint Resolution directory to the Treasurer and Comptroller

*Be it resolved by the General Assembly of the State of Tennessee,* That the treasurer of the State is hereby authorized and directed to present to the comptroller all the certificates issued for the Bank of Tennessee (new issue) money received for taxes and other dues to the State, and receive therefor the comptroller's pay warrant or warrants.

*Be it further resolved,* That hereafter as these certificates are received into the treasury, the treasurer shall present the same to the comptroller and receive therefor pay warrants.

Adopted January 30, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 20.

*Be it resolved by the General Assembly of the State of Tennessee,* That a joint committee of six on the part of the House and four on the part of the Senate, be appointed by the speakers of the House and Senate from their respective committees on Charitable Institutions, to visit the Deaf and Dumb School, Insane Asylum, the Tennessee University, and the State Fair Grounds, located

Knoxville, and investigate their condition and management, and make full report of the same to this Legislature.

Adopted January 30, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 12, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 21.

House Joint Resolution directory to the Treasurer.

*Be it resolved by the General Assembly of the State of Tennessee,* That the treasurer of the State is hereby directed to pay to the Harding Light Artillery Band Company the sum of \$35 (thirty-five dollars); to Weakley & Warren, for rent of 350 chairs, \$29.16 (twenty-nine dollars and sixteen cents); to A. B. Payne & Co., tissue paper and wire, \$1.80; to Anderson, Horn and Mingo, for labor, \$4.00 each, to drayage, \$1.00; to Senator Rodgers, telegraphing, \$1.60; L. Rosenheim, Bro. & Co., labor, flags, etc., furnished, \$5.00; J. Dautel, hauling cedar and tolls on pike, \$3.20, the same being expenses incurred on account of the inaugural ceremonies, and that the amount of same be included in the general appropriation bill.

Approved by the joint committee of Senate and House.

J. H. McDOWELL,  
*Chairman.*

Adopted January 30, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved January 30, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 22.

*Resolved by the General Assembly of the State of Tennessee,* That the thanks of this General Assembly are hereby tendered to the Hon. J. L. M. Curry for his able and instructive address upon the subject of education, and that the secretary of State shall forward a copy of these resolutions to him.

Adopted February 12, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 16, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 23.

*Resolved by the General Assembly of the State of Tennessee,* That the election on the 29th of January, 1885, of Hon. Mark S. Cockrill and Messrs. Thomas D. Craighead, John M. Bass and John M. Thompson, of Davidson county, and Campbell Brown, Esq., of Manry county, as trustees of the University of Nashville, to fill vacancies, be and the same is hereby confirmed.

Adopted February 16, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 18, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 24.

WHEREAS, The charge has been made in the columns of the Nashville Banner, a newspaper published in this city, that the present lease of the penitentiary was procured through fraud and collusion, and that the present lessees or their agents paid persons not to become bidders against them for the lease ; therefore,

*Resolved*, That the special joint committee already appointed be charged with the duty of investigating all the facts connected with said lease, and ascertain whether there was fraud or collusion on the part of any persons, officials or private citizens, practiced in the procurement thereof ; and the committee is also empowered to inquire into and report whether any improper means were used by any persons to influence any of the members of the last General Assembly to induce them to vote for the leasing of the penitentiary, and for these purposes are empowered to send for persons and papers, and take all necessary steps to ascertain the truth or falsity of these charges.

Adopted February 17, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 20, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 25.

WHEREAS, the report of the comptroller of the treasury discloses gross inequalities in the payment of privileges by the different counties in this State ; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That a committee of three from the Senate, and five from the House of Representatives be appointed by the respective speakers, to examine into the amounts of privileges paid by the respective counties, whether the correct amounts have been collected and to suggest a more efficient manner of collection of privileges.

Adopted February 18, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 20, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 26.

*Resolved by the General Assembly of the State of Tennessee,* That a committee of three on the part of the House, and two on the part of the Senate, to act in conjunction with the governor, treasurer and comptroller of the State, be appointed for the purpose of having all of the notes of the bank of Tennessee, known as the "new issue," that have been thus far cancelled, burned in their presence at such time and place as they shall designate, during the present session of the General Assembly, and that they report their action accordingly.

Adopted February 18, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 20, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 27.

**WHEREAS**, the election of Grover Cleveland, of New York, as President of the United States, and Thos. A. Hendricks, of Indiana, as Vice-President, gives assurance that the inauguration of constitutional government, will be fully restored to the States, and that an era of fraternity will follow; therefore,

*Be it resolved by the General Assembly of the State of Tennessee*, That in the administration of the government under the guidance of these distinguished statesmen, we feel that we will have an administration that in all future time will be recognized as one of the ablest in the annals of the American Union.

*Be it further resolved*, That we view with great satisfaction the change of governmental policy foreshadowed by the patriotic utterances of President-elect Cleveland, and in his fidelity to every public trust, we have ample guaranty of unequaled leadership, and hereby pledge his administration the earnest support of the Democracy of the old Volunteer State.

*Resolved further*, That a copy of these resolutions be forwarded to each of these distinguished gentlemen by the clerk of the House of Representatives.

Adopted February 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 23, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 28.

*Be it resolved by the General Assembly of the State of Tennessee,* That the comptroller be, and he is hereby instructed and requested to prepare and furnish for each house, as early as practicable, an itemized estimate of necessary expenditures of the State government for the next two years.

Adopted February 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 23, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 29.

WHEREAS, efforts are being made to induce the federal government to improve the James river by deepening its channel from its mouth to the city of Richmond, so as to render said river navigable for the largest ocean steamers from Chesapeake bay to said city of Richmond; and,

WHEREAS, if said efforts are successful, the distance from the State of Tennessee to the seaboard will be lessened about one hundred and thirty miles, thus materially reducing the cost of inland transportation on the produce of Tennessee seeking a foreign market; and,

WHEREAS, such improvement, when completed, will make the city of Richmond one of the ship-building

centers of the world, and largely expand its other manufacturing enterprises, thus furnishing a convenient, extensive and remunerative market for the iron, coal, timber, tobacco and other mineral, forest, and agricultural products of Tennessee ; therefore,

**SECTION 1.** *Be it resolved by the General Assembly of the State of Tennessee,* That this General Assembly views with interest the movement for the improvement of said river, and favors such appropriations and other proper action by the Federal Congress as will speedily secure to the country the invaluable benefits which must result from a successful completion of said enterprise.

**SEC. 2.** *Be it further resolved,* That our Senators in Congress are hereby instructed, and our Representatives requested, to aid in securing such legislation by Congress as will secure the accomplishment of said improvement ; and that a copy of these resolutions be transmitted by the secretary of State to each of our Senators and Representatives in Congress.

Adopted February 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 23, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 30.

*Resolved by the General Assembly of Tennessee,* That the invitation to the General Assembly heretofore extended by the chancellor of the State University to visit

the State Normal School in a body, be accepted, and Thursday, the 26th day of February, 1885, 12 M., be fixed for that purpose.

Adopted February 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 26, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 31.

*Resolved by the General Assembly of the State of Tennessee,*  
That the use of the hall of the House of Representatives be granted to the "Parnell Branch of the Irish League" of the city of Nashville, on the night of the 17th of March, 1885, for the purpose of having such exercises in the way of lectures as they shall deem proper.

Adopted February 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 26, 1885.

WM. B. BATE,  
*Governor.*

NUMBER 32.

*Be it resolved by the General Assembly of the State of Tennessee,* That the joint committee on Charitable Institutions are hereby authorized to send for persons and papers, issue subpoenas for witnesses, administer oaths, and do any and everything which is necessary to make a full investigation of all matters relating to the management of the charitable institutions of this State, including the State University located at Knoxville.

Adopted February 25, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved February 27, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 33.

*Resolved by the General Assembly of the State of Tennessee,* That the comptroller issue his warrant on the treasurer in favor of Geo. T. Williams for the sum of twenty-four dollars and twenty-five cents, and in favor of Benson & Co. for one hundred and forty-five dollars and ten cents, and in favor of Weakley & Warren for forty-six dollars, and in favor of Phillips & Buttorff for twenty-five dollars and twenty-five cents, and in favor of Briggs & Moore for two hundred and twenty five dollars, and in favor of C. P. Williams for twenty-one dollars and

twenty-five cents, also in favor of Bell & Co. for fifteen dollars and ninety-five cents, for repairs and furniture for the capitol. That said amounts be embraced in the general appropriation bill.

Adopted February 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 4, 1885.

WM. B. BATE,  
*Governor,*

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NUMBER 34.

WHEREAS, the cases of the State of Tennessee *vs.* Pullman Southern Car Company; and Pullman Southern Car Company *vs.* James N. Nolan, comptroller; and State of Tennessee *vs.* Geo. K. Whitworth, trustee, etc., are now pending in the supreme court of the United States at Washington, and are all causes involving the collection of revenue alleged to be due the State of Tennessee; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the attorney general of the State is hereby directed to present to the supreme court of the United States a request to advance all of said causes upon its docket, in order that they may be heard and disposed of as soon as practicable.

*Be it further resolved,* That a certified copy of these resolutions be immediately sent by mail to the chief justice of the supreme court of the United States.

Adopted March 2, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 10, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 35.

Directory to the Funding Board.

WHEREAS, There is a large amount of blank bonds paid for and now belonging to the State of Tennessee, now in possession of the Franklin bank note printing company, in the city of New York, for the purpose of funding Tennessee's indebtedness under what was known as the 100-3 Act ; and,

WHEREAS, Said Franklin bank note printing company has written to the treasurer of the State of Tennessee, requesting that some disposition be made of said blank bonds ; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the funding board of Tennessee be and they are hereby directed to have the bonds spoken of in the preamble sent to Nashville by freight ; that they receive and cancel said bonds, together with the coupons thereto attached, and that they hold the same in custody for the further orders of the present or a succeeding General Assembly of this State.

*Be it further resolved,* That the funding board be and they are hereby directed to have the plates from which said bonds were printed, sent to Nashville and kept in their custody subject to the orders of the General Assembly.

Adopted March 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved March 25, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 36.

*Resolved*, That the thanks of the Forty-fourth General Assembly of the State of Tennessee be and the same are hereby tendered to the managers and young ladies of Ward's seminary for the delightful entertainment given to the Legislature, so richly enjoyed by all who had the pleasure of attending.

Adopted March 31, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 3, 1885.

WM. B. BATE,  
*Governor.*

## NUMBER 37.

WHEREAS, The manufacturers of brandy from apples and peaches and of whisky in this State believed that under article second, section thirty, of the constitution of Tennessee, that they had the right to manufacture and sell without paying any tax except inspection fees, sold their products by the quart and in greater quantities after complying with the national and State laws, but the supreme court in the case of John Webb vs. S. C. Baird, 11th Lea, page 667, and in the case of W. E. Taylor vs. Isaac Vincent, 12th Lea, page 282, held that if they sold by the quart or larger quantities became wholesale dealers, which holdings by said court were the first intimations that such manufactures had of their

liability as such dealers, neither the comptroller, clerk or legal profession interpreted the statute so to be as declared by said court; and whereas, if the laws had been so construed by the comptroller and clerks, many of the small distilleries would not have attempted to run their distilleries, as the tax is greater than the whole amount made by many of them; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the tax on all such manufactures for the years 1881, 1882 and 1883 be hereby remitted and not collected, but such manufacturers shall be liable for the tax for 1884.

Adopted March 31, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 3, 1885.

WM. B. BATE,  
*Governor.*

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## NUMBER 38.

WHEREAS, It has been made known that the Honorable J. M. Lea declined to accept the trust as one of the commissioners to locate and superintend the erection of an insane asylum for the Western district of Tennessee, and the other persons named as commissioners in the bill passed for the location and erection of said asylum have signified their willingness to accept so far as to locate the same, but cannot superintend its erection; therefore,

*Be it resolved by the General Assembly of the State of Tennessee,* That the governor be authorized and directed to fill all vacancies which have or may hereafter occur in the board of such commissioners, and the commis-

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sioners appointed by the governor shall have all the powers granted in the said bill providing for the erection of said asylum.

Concurred in April 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

C. R. BERRY,  
*Speaker of the Senate.*

Approved April 9, 1885.

WM. B. BATE,  
*Governor.*

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NUMBER 39.

Resolution to adjourn sine die.

*Be it resolved by the General Assembly of the State of Tennessee, That the Forty-fourth General Assembly of the State of Tennessee adjourn *sine die* at 9 o'clock p. m., April 9, 1885.*

Adopted April 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*  
C. R. BERRY,  
*Speaker of the Senate.*

# Senate Resolutions.

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## NUMBER 1.

*Resolved by the Senate,* That the treasurer is authorized to pay Jesse Wood for eight days' services as porter, at the rate of three dollars per day, the same to be included in the general appropriation bill.

Adopted January 14, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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## NUMBER 2.

*Resolved,* That a committee of seven be appointed by the Speaker on the suppression of intemperance.

Adopted January 14, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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## NUMBER 3.

*Resolved by the Senate,* That the sergeant-at-arms be, and he is hereby instructed, when requested by Senators,

to furnish postage for mailing public documents, etc., keeping an account thereof, and which shall be included in the general appropriation bill; *Provided*, that the amount of postage furnished at the request of any one Senator shall not exceed five dollars.

Adopted January 19, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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#### NUMBER 4.

*Resolved by the Senate*, That the clerk be and he is hereby directed to prepare a calendar of the business of the Senate, said calendar to be printed and placed on members' desks once each week.

Adopted January 19, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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#### NUMBER 5.

*Resolved*, That the contested election case of Boyd vs. Blackwell, for the Thirty-first Senatorial district be, and the same is hereby referred to the committee on Privileges and Elections, and said committee is instructed and hereby authorized and empowered to take proof, and, if necessary, to send for persons and papers, and to administer oaths in their investigation of the facts of said contest, and make report of the result of their investigation of said contest to this body at as early a day as practicable.

Adopted January 19, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

NUMBER 6.

*Resolved*, That the Senate meet at 9:30 o'clock each sitting day, and adjourn at half-past 12 o'clock until 9:30 o'clock the next day of sitting, until the further pleasure of the Senate is signified, so as to afford standing and other committees time to perform their duties and keep space with the business of the Senate.

Adopted January 20, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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NUMBER 7.

*Be it resolved by the Senate*, That the treasurer is hereby authorized to pay Robert M. Williams for three days' services as messenger in the organization of the Senate, at four dollars per day, and that said amount be included in the general appropriation bill.

Adopted January 20, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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NUMBER 8.

*Resolved by the Senate*, That the committee on Agriculture, Statistics, Mines and Immigration be instructed to confer with Prof. J. M. Safford, state geologist, and as-

certain what legislation is necessary to thoroughly organize and equip that department of the bureau of Agriculture, Statistics, Mines and Immigration, so as to place the branch of the public service on a basis of practical utility, and bring in a bill for that purpose for the consideration of the Senate.

Adopted January 23, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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#### NUMBER 9.

*Resolved by the Senate,* That in order that all meritorious and important bills and resolutions may be properly scrutinized and considered, that the same shall be printed when so requested by one-third of the committee to whom they shall be referred.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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#### NUMBER 10.

*Be it resolved by the Senate,* That the assistant clerk be, and he is hereby directed to prepare a roster of the members and officers of the Senate; and that two hundred copies be printed for the use of the Senate and House of Representatives.

Adopted January 28, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

NUMBER 11.

*Resolved*, That inasmuch as the Hon. A. J. WeWhirter so desires, that a committee of three expert farmers, members of the Senate, be appointed and directed to investigate the Bureau of Agriculture, Statistics, Mines and Immigration, and ascertain its condition and the scope of its practical utility, and the advantages to the agricultural, mining and immigration interest therefrom to the people of the State.

Adopted January 30, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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NUMBER 12.

*Be it resolved by the Senate*, That the sergeant-at-arms is hereby directed to have the window to the northwest of the Senate chamber so repaired as to shut out the cold air which is constantly entering the chamber, to the great discomfort of senators.

*Resolved further*, That the sergeant-at-arms is directed to purchase a couple of "hat-racks" for the use of the Senate, and that said amounts be included in the general appropriation bill.

Adopted February 23, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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NUMBER 13.

*Be it resolved by the Senate*, That the sergeant-at-arms of the Senate shall receive from the public printer of the State the printed reports of the different officers of the

State ordered by the committee on public printing, for the use of the Senate, and receipt for the same.

*Be it further resolved*, That the sergeant-at-arms order and receipt for all stationery that may be required for the use of the Senate.

*Be it further resolved*, That the comptroller of the treasury, before issuing his warrant for the payment of these bills, for printing of public documents, or for stationery furnished the Senate, shall require receipts given by the sergeant-at-arms be presented to him with the bills.

Adopted February 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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NUMBER 14.

*Be it resolved by the Senate*, That a special committee of three (3) be appointed to investigate and report as early as practicable :

First—What amount in judgment was recovered in the chancery court at Nashville against J. E. Rust as ex-treasurer of the State.

Second—What amount of said judgment said Rust has paid into said court, and at what time was it paid, and what was the kind or character of money so paid in.

Third—Also report what amount of said judgment has been paid into the comptroller by order of said court, and at what time was it paid.

Also report whether paid in greenbacks, Tennessee issue, or coupons from State bonds.

Adopted February 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

## NUMBER 15.

*Resolved by the Senate,* That the sergeant-at-arms is hereby directed to have the window to the northeast of the Senate chamber—that occupied by the engrossing clerk—so repaired as to protect the engrossing clerk from the cold air.

*Resolved further,* That the sergeants-at-arms purchase a curtain for said window, and that said amount be included in the general appropriation bill.

Adopted February 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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## NUMBER 16.

*Resolved by the Senate,* That a committee of the members of the Senate be appointed by the speaker to prepare and bring in a resolution expressive of the feeling and sentiment of the body relative to the death of the Hons. W. F. Kercheval and H. D. Blackwell, elected members of this body at the November election.

Adopted February 24, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

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## NUMBER 17.

*Resolved,* That until otherwise ordered, the Senate meet at 9 o'clock a. m. and adjourn at 12:30 o'clock.

Adopted March 23, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

## NUMBER 18.

*Resolved by the Senate,* That the speaker of the Senate be, and he is hereby authorized, to appoint a sergeant-at-arms pro tem., to fill the vacancy occasioned by the resignation of George Griffin.

Adopted March 31, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

## NUMBER 19.

*Resolved,* That the principal and assistant clerks of the Senate be instructed to copy, and the chief clerk will index and publish the journal of the Senate in accordance with the recommendations made by the Finance, Ways and Means committee; and that said clerks shall preserve the papers of the Senate, and file them with the proper authorities as is provided by law.'

Adopted April 9, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

# House Resolutions.

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## NUMBER 1.

House resolution tendering sympathies to Hon. J. R. Love.

WHEREAS, The members of this House have learned with regret of the sad affliction which has befallen the Hon. J. R. Love, a member of this House from the county of Monroe, in the death of his little daughter under peculiarly distressing circumstances; therefore,

*Be it resolved by the House of Representatives, That the sympathies of the members of this body be, and they are hereby tendered to Mr. Love in his bereavement.*

Adopted January 8, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 2.

*Resolved, That the House of Representatives extend to Hon. Robt. I. Chester, the time-honored democrat of Madison, their sincere thanks for his efficient labor performed in carrying the presidential vote of Tennessee and safely delivering the same to the proper authorities.*

Adopted January 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

### NUMBER 3.

*Resolved by the House of Representatives,* That the speaker of the House appoint a journal clerk to act during the election of State officers, and at all other times during the session, whenever the business of House shall require his services.

Adopted Jan 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 4.

*Resolved,* That the treasurer of the State be instructed and authorized to pay to John Rains and Ben Campbell, each of whom has served five days as porters of this House, the sum of fifteen dollars (\$15) each.

Adopted January 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 5.

*Resolved,* That the superintendent of the capitol be directed to provide the doors at the north entrance to the hall of the House of Representatives with good springs, so that the same may be kept closed.

Adopted January 12, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

## NUMBER 6.

*Resolved*, That the speaker appoint a special committee of five members of the House of Representavies to investigate and find out the exact number of retail and whole sale liquor dealers that have procured internal revenue license in Tennessee for the year of 1884; the amount of revenue that is due the State, and should have been collected from said liquor dealers during the year, and also the amount actually collected by the State officers and paid into the comptroller, and report the same to this House as soon as possible.

Adopted January 13, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 7.

*Resolved by the House of Representatives of the State of Tennessee*, That the superintendent of the capitol be required to fit up and furnish all of the committee rooms of the House with chairs, carpets and desks, the same being greatly needed for the comfort of committees and the dispatch of the public business.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 8.

*Resolved by the House of Representatives*, That the use of the hall be allowed to the Knights of Labor on Sat-

urday evening, January 31, 1885, for the purpose of hearing an address from T. V. Powderly, of Scranton, Pa., on the rights of labor.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 9.

*Resolved by the House of Representatives,* That the chair appoint a committee on rules for the government of the House, consisting of five members, with instructions to embody in the same the constitution of the State and a list of the standing committees of the House, and to report as soon as practicable.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 10.

*Be it resolved by the House of Representatives,* That 5,000 copies of the governor's message to this session of the General Assembly be printed for the use of the members of the House of Representatives.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 11.

WHEREAS, the Judiciary committee will occupy the room occupied by the State Board of Health; and,

WHEREAS, there are no gas fixtures in said room, nor desk in which to keep the papers that may be submitted to said committee; therefore,

*Be it resolved*, That the sergeant-at-arms of this House furnish said committee with two lamps and a desk, and a porter to wait on said committee during its sessions.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 12.

*Resolved by the House of Representatives of the State of Tennessee*, That the Speaker be authorized and requested to appoint a committee of three members to confer with the ministers of the various denominations in the city, and request them to arrange among themselves to secure the presence of one of their number to open the deliberations of the House of Representatives each morning with prayer.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 13.

Resolution to provide a Calendar for the use of the House.

*Resolved by the House of Representatives*, That the clerk of the House be and is hereby directed to prepare, and cause to be laid on the desk of each member of the House on every Monday morning, a revised calendar of

the business of the House, showing each and every resolution and bill, by whom offered, and the action of the House thereon.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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#### NUMBER 14.

*Resolved*, That the sergeant-at-arms be requested to furnish keys to the drawers of desks in the hall that have none, as some are locked and cannot be opened.

Adopted January 14, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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#### NUMBER 15.

*Resolved by the House of Representatives*, That the treasurer be instructed to pay to C. A. Halley, who acted as assistant clerk of the House for the first two days of this session, the sum of twelve dollars.

Adopted January 15, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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#### NUMBER 16.

*Resolved by the House of Representatives*, That the sergeant-at-arms is hereby instructed to furnish each

member of the House with five dollars in postage stamps, to pay postage on public documents, to be provided for in the general appropriation bill.

Adopted January 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 17.

*Resolved by the House of Representatives,* That the chair appoint a committee consisting of nine members, said committee to be known as the "Committee on Labor," the purpose of said committee being to establish a committee to which all bills can be referred bearing upon labor and laborers of this State, and before which said laborers can appear and make known their wants to their representatives.

Adopted January 20, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 18.

*Be it resolved by the House of Representatives of the State of Tennessee,* That the secretary of State be and he is hereby directed to furnish the chairman of each House committee with one copy of Milliken & Vertrees' edition of the Code of Tennessee, for the use of the several committees, the cost of which to be provided for in the general appropriation bill; and that said Codes, on the adjournment of the Legislature, shall be deposited with secretary of State for use of future General Assemblies.

Adopted January 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

## NUMBER 19.

*Resolved by the House of Representatives,* That the clerk of the House is hereby authorized to procure a suitable chest, to be used by him for the safe-keeping of the manuscript journals of the House and such other important papers as may be deemed necessary, and that the treasurer is hereby instructed to pay for the same out of any money in the treasury not otherwise appropriated, and the comptroller is directed to issue his warrant on the treasurer. Said amount to be provided for in the general appropriation bill.

Adopted January 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 20.

Resolution asking the appointment of a standing committee of five members on the suppression of the whiskey traffic.

WHEREAS, Intemperance is a question of greater importance than any question ever agitating the minds of the American people since the formation of our government, having increased in the last quarter of a century to alarming proportions, submerging civilization beneath its contaminating power, holding its sway with defiance to the law and regulations enacted for its government, making inroads into our moral and religious institutions, wrecking the lives and destroying the fortunes of thousands of our people and bringing a pall of gloom and sadness to nearly every hearthstone around which the family circle gathers; and,

WHEREAS, There is a large portion of the citizens of this State that are in favor of the suppression and extermination of the whiskey traffic and demand recognition by this General Assembly; therefore,

*Be it resolved by the House of Representatives,* That the speaker appoint a standing committee of five members unto whom all bills and petitions tending to the suppression or extermination of the whiskey traffic shall be referred for their consideration.

Adopted January 23, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 21.

*Resolved by the House of Representatives of the State of Tennessee,* That the sergeant-at-arms is hereby directed to prepare a roster of the officers and members of the House, stating age, occupation, postoffice and county, for the use of the officers and members of this House, and have two hundred copies of said roster printed.

Adopted January 28, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 22.

WHEREAS, Your special committee of five appointed under House resolution No. — to investigate and see how many retail and wholesale liquor dealers there are in the State, the amount of revenue collected for the year 1884, and the amount that should have been collected during the year, have completed their report, so far as Middle and West Tennessee are concerned, finding that there are 1,620 dealers in the two divisions of the State above

named, the number of dealers in each county being separately taken, their names and location ; and,

WHEREAS, It is impossible to complete the report intelligently without the names and locations of dealers in East Tennessee ; therefore,

*Be it resolved*, That a committee of two be appointed by the speaker of the House of Representatives, whose duty it shall be to go to Knoxville and obtain the list of names from internal revenue books, so that the report of your committee can be completed, provided the committee be selected from the committee to be hereafter appointed to visit Knoxville to examine charitable institutions ; and that said committee be instructed to perform this duty while at Knoxville.

Adopted February 12, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 23.

*Resolved by the House of Representatives*, That this body has learned with deep regret of the death of an infant son of our worthy member, Hon. John H. White, and we tender him our sincere sympathy upon his sad bereavement.

*Resolved*, That a copy of this resolution be furnished the Hon. John H. White.

Adopted February 13, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 24.

*Resolved*, That a committee of three be appointed to investigate the workings of the Bureau of Agriculture,

Statistics and Mines during the past two years, and that the committee act in conjunction with the committee already appointed on the part of the Senate.

Adopted February 16, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 25.

*Resolved by the House of Representatives of the General Assembly of the State of Tennessee,* That the hall of the Representatives is hereby granted to the ladies composing the "Eunice Jackson Benevolent Society" on the night of March the 2d, for the purpose of having a lecture delivered in the interest of said society.

Adopted February 16, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 26.

WHEREAS, The arrangement which the Knoxville University has had with Fisk University, for educating young colored men who were appointed State cadets to the University of Tennessee, has been revoked ; and,

WHEREAS, The schools located in Nashville are more convenient for a large majority of the colored people, and offer better educational facilities, and more pleasant accommodations than the school at Knoxville, Tennessee ; and,

WHEREAS, The colored people throughout the State

are exceedingly anxious that the former arrangement be continued, in order that young colored men may receive the benefits of the State appointments in the schools of Nashville established for their benefit ; therefore,

*Be it resolved by the House of Representatives*, that the committee already appointed to visit Knoxville are hereby directed to investigate and ascertain why the former arrangement has been revoked.

*Be it further resolved*, that said committee examine the Act by which the Knoxville University was organized and see, if according to such act, a part of the funds for said school can be set apart for the colored people, to be used in any school of the State that may appear to them proper.

Adopted February 18, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 27.

*Resolved by the House of Representatives*, That the name of S. A. McElwee be added to the sub-committee appointed to visit the State institutions at Knoxville Tennessee.

Adopted February 20, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 28.

*Resolved*, That the sergeant-at-arms be required to keep the aisles clear of loungers, and suppress the selling of every thing inside of the bar of the House, except newspapers.

Adopted February 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

## NUMBER 29.

WHEREAS, Your committee appointed to examine into and find out the number of liquor dealers in the State and their location ; and,

WHEREAS, Your committee believing it to be essential that a list of the names of dealers located in each county be sent to the county court clerks, that they may compare with their books and thereby ascertain who has complied with the law ; and that your committee may also come in possession of the information, that they may be able to present to this House the amount of the delinquency ; therefore,

*Be it resolved by the House of Representatives*, that 250 of the blank forms hereunto attached be printed for the use of said committee.

Adopted February 21, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 30.

*Resolved*, That the committee on Charitable Institutions be required and authorized to visit the charitable institutions of the State of Kentucky, located at or near the city of Louisville, especially the Orphans' Reformatory Home, and that a leave of absence be granted to said committee on Friday and Saturday of this week to visit said institutions.

Adopted February 24, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

NUMBER 31.

WHEREAS, the work done at the Blind Asylum for the State, located at Nashville, under the superintendency of Dr. L. A. Bigelow, has been so unanimously satisfactory, and so efficient in character; and,

WHEREAS, the members of the House of Representatives, as well as those whom they represent, are in such great sympathy with said institution; therefore, be it

*Resolved*, That Dr. L. A. Bigelow be invited to give this body a musical entertainment by the blind of his institution, at the hall of Representatives, at any time he may see proper.

Adopted February 26, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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NUMBER 32.

*Resolved*, That no action will be taken on any of the bills already or hereafter to be introduced relating to railroad regulation, the repeal or amendment of the present railroad law, until Monday, March 25, 1885, at 11 o'clock; which hour and day are fixed as the time for taking up all such bills and considering them all.

Adopted February 27, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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NUMBER 33.

WHEREAS, it is with the deepest regret that the House of Representatives has heard of the death of the wife of

Hon. B. D. Rogers, who departed this life on the 26th of February, at their home in Grant, Smith county; therefore, be it

*Resolved*, That we tender to our bereaved fellow-member our tenderest sympathy and condolence in his deep sorrow and affliction.

*Be it further resolved*, That a copy of this resolution be furnished the Hon. B. D. Rogers.

Adopted March 3, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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#### NUMBER 34.

For the relief of Hon. E. Weesner, Representative from Greene county.

WHEREAS, the Hon. E. Weesner, the Representative from Greene county, was detained at his home on account of severe illness, and was not on account of such illness able to take his seat until the 3d inst.; therefore, be it

*Resolved by the House of Representatives of the General Assembly of the State of Tennessee*, That the said E. Weesner be allowed his *per diem* during the time of his illness, as provided by section 23, of article 2, of the Constitution of the State of Tennessee, and that said amount be included in the general appropriation bill.

Adopted March 11, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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#### NUMBER 35.

*Resolved*, That the sympathy of the House of Representatives be, and is hereby tendered to the Hon. C. P.

Beddow in the recent untimely death of his little daughter.

*Resolved further,* That a copy of this resolution be forwarded to his county paper for publication.

Adopted March 19, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 36.

WHEREAS, the sad intelligence has just reached us by telegraph that Mrs. Lilly Munford, wife of Hon. A. H. Munford, a member of this House, died at 8 o'clock this morning, and that in her death an irreparable loss and a crushing sorrow has fallen upon our esteemed fellow-member; therefore, be it

*Resolved by the House of Representatives of this General Assembly,* That the members of this House are deeply touched by the intelligence of this event which has afflicted our colleague, Hon. A. H. Munford, with overshadowing grief, and that we tender him our sincerest sympathy and heartfelt condolence.

*Be it further resolved.* That these resolutions be spread upon the journal of this House, and that a copy of the same be forwarded to the Hon. A. H. Munford.

Adopted March 26, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 37.

WHEREAS, The time for adjournment is near at hand, and there has been a great deal of time unnecessarily devoted in speech making; therefore,

by Google

*Resolved*, That no member shall be allowed to speak longer than five minutes in his opening speech, and not more than two-and-a-half minutes in his rejoinder; and the speaker of the House is hereby respectfully requested to call each member to order as soon as his time has expired.

Adopted March 30, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 38.

WHEREAS, The Forty-fourth General Assembly is drawing near its close, and there being a great many local bills,

*Resolved*, That the House hold night sessions for the purpose of passing local bills on third reading.

Adopted March 30, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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### NUMBER 39.

Authorizing the speaker to appoint an assistant engrossing clerk.

*Resolved by the House of Representatives of the Forty-fourth General Assembly*, That the speaker of the House be authorized to appoint two assistant engrossing clerks for the remainder of the present session.

Adopted March 31, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

## NUMBER 40.

WHEREAS, it has been reported that an assault has been made on the street against a member of this House, for language by him used in a speech on the floor of the House,

*Resolved by the House of Representatives*, That a committee of five members be appointed by the speaker, who shall investigate and report the facts, and who shall report whether or not the assault amounts to a contempt of the House, and who shall investigate and report what, if any, power the House has to punish the contempt.

*Resolved further*, that the committee shall have power to send for witnesses and to administer oaths, and that they be directed to report at 12 o'clock m.

Adopted April 7, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 41.

*Resolved by the House of Representatives of the Forty-fourth General Assembly*, That the principal clerk is hereby directed to remain a sufficient time after adjournment to file properly with the secretary of State all papers left over, to recopy the journals for the public printer, superintend the printing of the same, and making the index to said printed journals.

*Resolved further*, That the assistant clerk is directed to remain a sufficient time to assist the principal clerk in recopying the journals for the public printer.

Adopted April 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

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## NUMBER 42.

*Be it resolved*, That the thanks of the House of Representatives of the Forty-fourth General Assembly, which is about to adjourn *sine die*, be and the same are hereby tendered to our faithful speaker, clerk and assistant clerk, engrossing clerk and other officers of this body, and reporters of the press, who have so faithfully discharged the duties assigned them.

Adopted April 9, 1885.

J. A. MANSON,  
*Speaker of the House of Representatives.*

## JOINT RESOLUTION

Proposing an Amendment to the Constitution of the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the following amendment to the Constitution of the State of Tennessee be and the same is hereby proposed : To add as section (18) eighteen to article (11) eleven of said Constitution, the following :

**SECTION 18.** No person shall manufacture for sale, or sell, or keep for sale, as a beverage, any intoxicating liquors whatever, including wine, ale and beer. The General Assembly shall, by law, prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

*Resolved further,* That the foregoing proposed amendment be and the same is hereby referred to the Legislature to be chosen at the next general election for members of the ~~next~~ General Assembly, and that the Governor or other proper officer shall cause the same to be published for six months previous to the day of said election, as provided by law.

Passed March 30th, 1885.

C. R. BERRY,  
*Speaker of the Senate.*

J. A. MANSON,  
*Speaker of the House of Representatives.*

Approved April 2d, 1885.

WM. B. BATE,  
*Governor.*

STATE OF TENNESSEE,  
OFFICE OF THE SECRETARY OF STATE,  
NASHVILLE, MAY 21, 1885.

I, JOHN ALLISON, Secretary of State, of the State of Tennessee,  
do hereby certify that I have carefully collated the foregoing Acts  
and Resolutions with original cop'es on file in my office, and find  
them correctly printed.

JOHN ALLISON,

*Secretary of State.*

# INCORPORATIONS

**Organized under Chapter 143, Acts of 1875, known as the  
"Charter Act," and Acts Amendatory, Published  
Herein by Direction of Section 30 of said  
Charter Act.**

| NAME OF INCORPORATION.                                                      | County.<br>where<br>Registered. | When<br>registered in<br>Secretary of<br>State's Office | In<br>what<br>Book. | No. of<br>Page. |
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